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Rebecca McDowell Cook

Secretary of State

MISSOURI REGISTER

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

EMERGENCY AMENDMENT

7 CSR 10-14.020 Definitions. The commission proposes to amend previous sections (3), (7), (9), and (10) and add new sections (9) and (12).

PURPOSE: This emergency amendment contains additional definitions of terms used in this chapter.

*EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission is responsible for maintaining its property in a condition that is not dangerous thus not creating a reasonable foreseeable risk of harm of injury. A moratorium based upon safety concerns in the City of St. Louis has been affirmed by a federal court recognizing that there are safety issues regarding the adopt-a-highway program. The previous rule did not provide a definition for violent criminal activity and to make the adopt-a-highway regulations more clear, they must include this definition since those groups convicted of violent criminal activity, including but not limited to hate crimes, are prohibited from participation in the program. Vandalism and theft of state property has occurred as a result of allowing these groups to participate in the program. Therefore, this rule must be enacted in order for the commission to maintain the state highway right-of-way in a condition that is not dangerous to the adopters, traveling public, and Missouri Department of Transportation employees. The commission finds that vandalism and theft occurring on state highway right-of-way creates an immediate danger to the health, safety and welfare to the citizens of Missouri. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri** and **United States Constitutions**. The commission believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency Amendment filed February 8, 2000, effective February 18, 2000, expires August 15, 2000.*

(3) Adopter representative means a group member designated to represent the volunteer group and serve as its liaison with the commission. *[Usually the person who signs the agreement is the adopter representative.]* **The adopter representative is the person who signs the agreement.**

(7) Department means the *[Missouri Highways and Transportation Department]* **Missouri Department of Transportation**.

(9) Participant means any individual or group who will be participating in the program activity.

[(9)] **(10)** Program means the Adopt-A-Highway Program**.**

[(10)] **(11)** Program activity means litter pickup and/or beautification and/or mowing.

(12) Violent criminal activity means any offenses having as an element the use, attempted use, or threatened use of physical force against the person or property of another or any offense involving weapons, hate crimes, sexual assault, aggravated harassment, civil rights violations, and offenses defined under the Racketeer Influenced and Corrupt Organizations Act (RICO), United States Code title 18, or for whom state or federal courts have taken judicial notice of an applicant's unlawful activity or advocating of violence.

*AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

EMERGENCY AMENDMENT

7 CSR 10-14.030 Application for Participation. The commission proposes to amend the previous section (1) and subsections (2)(A), (2)(B), and (2)(C) and add a new section (1) and subsections (2)(B), and (2)(C).

PURPOSE: This emergency amendment is to further identify criteria for eligible adopters and criteria in determining whether an application is rejected or accepted.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission is responsible for maintaining its

*property in a condition that is not dangerous thus not creating a reasonable foreseeable risk of harm of injury. A moratorium based upon safety concerns in the City of St. Louis has been affirmed by a federal court recognizing that there are safety issues regarding the adopt-a-highway program. The previous rule did not clearly provide that applicants convicted of violent criminal activity, including but not limited to hate crimes, or that applicants who overtly deny membership on the basis of race would be prohibited from participation in the program. Vandalism and theft of state property has occurred as a result of allowing these groups to participate in the program. Therefore, this rule must be enacted in order for the commission to maintain the state highway right-of-way in a condition that is not dangerous to the adopters, traveling public, and Missouri Department of Transportation employees. The commission finds that vandalism and theft occurring on state highway right-of-way creates an immediate danger to the health, safety and welfare to the citizens of Missouri. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri** and **United States Constitutions**. The commission believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency Amendment filed February 8, 2000, effective February 18, 2000, expires August 15, 2000.*

(1) The adopter representative of a group who desires to participate in the program shall submit an application to the commission on a form provided by the commission.

[(1)] **(2)** Eligible Adopters. Eligible adopters include civic and nonprofit organizations, commercial and private enterprises and individuals **who have not been convicted of or who are not associated with organizations who have been convicted of a violent criminal activity, do not practice any action which constitutes a hate crime, and do not overtly deny membership on the basis of race**. *[The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes.]* The commission reserves the right to limit the number of adoptions for a single group.

[(2)] **(3)** Acceptance of Application. The commission will have sole responsibility in determining whether an application is rejected or accepted and determining what highways will or will not be eligible for adoption.

(A) The commission may refuse to grant a request to participant if, in its opinion, granting the request would jeopardize the program, **or the safety of the adopters, traveling public or Missouri Department of Transportation (MoDOT) employees, or otherwise** be counterproductive to *[its]* **the program's** purpose or have undesirable results such as increased litter, vandalism or sign theft.

(B) The commission may refuse to grant a request to participate if the applicant has submitted false statements of a material fact or has practiced or attempted to practice any fraud or deception in an application.

(C) An application completed by an individual on behalf of a group or organization must identify the group or organization for which the application is being submitted and failure to identify the group or organization on the application will result in rejecting the application.

*[(B)]***(D)** Applicants must adhere to the restrictions of all state and federal nondiscrimination laws **including state executive orders**. Specifically, the applicant must not discriminate on the basis of race, religion, color, national origin or disability. **The adopter representative will certify on the application form that the group or organization does not overtly deny membership on the basis of race.** Such discrimination disqualifies the applicant from participation in the program.

*[(C)]***(E)** Applicants with a history of unlawfully violent *[or]* criminal *[behavior]* **activity as defined in this chapter** will be prohibited from participation in the program.

*AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

EMERGENCY AMENDMENT

7 CSR 10-14.040 Agreement *[Terms]; **Responsibilities of Adopter and Commission***. The commission proposes amending the rule title and to amend previous subsection (2)(C), and add new subsections (2)(B), (2)(E), (2)(F), (2)(S), (2)(T) and (3)(D) and delete section (4).

PURPOSE: This emergency amendment provides for additional terms of the written agreement between the adopter and the commission to promote the safety of the program and to develop a record-keeping system for tracking the program's success.

*EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission is responsible for maintaining its property in a condition that is not dangerous thus not creating a reasonable foreseeable risk of harm of injury. A moratorium based upon safety concerns in the City of St. Louis has been affirmed by a federal court recognizing that there are safety issues regarding the adopt-a-highway program. The previous rule did not provide for the requirement of the adopter to advise the commission of any change of adopter representative or advise that each member of the group participating in the program attend a safety training meeting. The previous rule did not require that an after action report be submitted by the adopter representative or that the responsibilities of the adopter not be subcontracted or assigned unless the assignee is also an active adopter. Further, the previous rule did not require the commission to provide safety training to the adopter representative. As a result of not including these provisions, it has been difficult for the commission to promptly contact adopter representative when they are not meeting the requirements of the agreement, to keep accurate record of the program's success, to ensure that the adopter representative is properly trained in safety, and to ensure that each member of the group participating in the program has attended a safety training meeting. Therefore, this rule must be enacted in order for the commission to maintain the state highway right-of-way in a condition that is not dangerous to the adopters, traveling public, and Missouri Department of Transportation employees. The commission finds that by not having information to promptly contact adopter, information as to the program activity, and by not ensuring that each member participating in the program attend the required safety training meeting creates an immediate danger to the health, safety and welfare to the citizens of Missouri. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the **Missouri** and **United States Constitutions**. The commission believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency Amendment filed February 8, 2000, effective February 18, 2000, expires August 15, 2000.*

(2) Responsibilities of Adopter. The adopter shall—

(B) Provide to the commission, in writing, the name and complete mailing address, including street address, of the adopter representative and to notify the commission within thirty (30) days, in writing, of any change of adopter representative name or address.

*[(B)]***(C)** Abide by all safety requirements as listed in the department's Safety Tips brochure;

*[(C)]***(D)** Have *[all members of the group]* **each adopter representative** participating in the program activity attend a safety **training** meeting conducted by the *[adopter representative, or designee,]* **commission** before participation in any program activity;

(E) Have all members of the group participating in the program activity attend a safety training meeting conducted by the adopter representative, or designee, before participation in any program activity;

(F) Have the adopter representative provide to the commission, in writing, the name of each member of the group who will be participating in the program activity, indicating that each member has attended a safety training meeting.

*[(D)]***(G)** Properly use all safety equipment provided by the department and perform the work in a safe and professional manner;

*[(E)]***(H)** Provide one (1) adult supervisor for every eight (8) participants between thirteen and seventeen (13–17) years of age and one (1) adult supervisor for every four (4) participants between six and twelve (6–12) years of age. No one under the age of six (6) will be allowed to participate in the program;

*[(F)]***(I)** Adopt a section of highway right-of-way for a minimum of three (3) years;

*[(G)]***(J)** Collect litter along the adopted section a minimum of four (4) times per year, or as required by the commission;

*[(H)]***(K)** Adopt for litter pickup a minimum of two (2) miles in rural areas and one-half (1/2) mile in urban areas. Shorter lengths may be permissible in special circumstances;

*[(I)]***(L)** Provide prior notice, as required by the commission**,** before performing any program activity;

*[(J)]***(M)** Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;

*[(K)]***(N)** Perform program activity between the hours of one (1) hour after sunrise to one (1) hour before sunset and not during inclement weather;

*[(L)]***(O)** Prohibit members from possessing, consuming, or being under the influence of alcohol or drugs while participating in the program;

*[(M)]***(P)** Place litter in trash bags provided by the department and place filled trash bags at a designated location;

*[(N)]***(Q)** Separate tires, batteries and other trash as needed for proper disposal according to local landfill requirements; and

*[(O)]***(R)** Indemnify and hold harmless the commission and department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program.

(S) Have the adopter representative submit to the commission within five (5) working days an after action report using a form provided by MoDOT. This form will enable MoDOT to monitor the program's success.

(T) Not subcontract or assign its responsibilities under this program to any other enterprise, organization, or individual unless assignee is also an active adopter.

(3) Responsibilities of Commission. The commission shall—

(D) Provide safety training to the adopter representative which includes but is not limited to a safety video and safety tips brochure.

*[(D)]***(E)** Provide the adopter with safety equipment; and

*[(E)]***(F)** Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished.

[(4) Termination of Agreement. The commission reserves the right to terminate the agreement and remove the signs when, in the sole judgment of the commission, it is found the adopter has not met the terms and conditions of the agreement or there is concern about the safety of the adopters, traveling public or Missouri Highways and Transportation Department (MHTD) employees.]

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. A proposed amendment covering this same material is published in this issue of the ***Missouri Register****.*

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 1994, the plan hereby terminates an emergency amendment effective February 18, 2000:

22 CSR 10-2.040 Indemnity Plan Summary of Medical Benefits **is terminated**.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on January 3, 2000 (25 MoReg 8–9). A new rule regarding Indemnity Plan Summary of Medical Benefits will become effective on February 18, 2000. Therefore, in order to avoid having two amendments regarding 22 CSR 10-2.040 effective at the same time, the MCHCP will terminate the emergency amendment effective February 18, 2000.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options

EMERGENCY AMENDMENT

22 CSR 10-2.040 Indemnity Plan Summary of Medical Benefits. The board is amending sections (1), (3), (4), (7) and (9).

PURPOSE: The amendment includes changes made by the board of trustees regarding medical benefits for participants in the Missouri Consolidated Health Care Plan.

EMERGENCY STATEMENT: This rule has a variety of changes from the current regulation. It must be in place by February 18, 2000, in accordance with the renewal of our current contracts. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies responsibility for eligible charges, beginning with the first day of coverage for the new plan year. It also provides further direction for appeals related to the operation of the plan. Many of these changes are required by either federal or state law. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered immediately

in order to maintain the integrity of the current health care plan. This emergency amendment must become effective February 18, 2000, in order that an immediate danger is not imposed on the public welfare. This rule reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. This emergency amendment complies with the protections extended by the ***Missouri*** *and* ***United States Constitutions*** *and limits its scope to the circumstances creating the emergency. This emergency amendment is calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed February 8, 2000, becomes effective February 18, 2000, and expires on June 28, 2000.*

(1) Lifetime maximum, *[one (1)]* **three (3)** million dollars.

(3) Deductible Amount—Per individual for the indemnity plan *[and the limited indemnity plan]* each calendar year, three hundred dollars ($300), family limit each calendar year, nine hundred dollars ($900).

(4) *[Copayment]* **Coinsurance**.

(C) *[Limited Indemnity Plan]* **Non-Network Services**—Same as subsections (4)(A) and (B), except covered charges are reimbursed on a seventy percent (70%) basis.

(7) *[Health Check]* **Clinical Management**—Certain benefits are subject to a utilization review (UR) program. The program consists of four (4) parts, as described in the following:

(9) Prescription Drug Program—The indemnity plan provides *[a carve-out program for prescription drugs. The program consists of]* coverage for maintenance and nonmaintenance medications, as described in the following:

[(A) Nonmaintenance Medications—For those prescription drugs needed for short-term use only, the member will be responsible for twenty percent (20%) of a discounted rate after satisfaction of the twenty-five dollar ($25) individual deductible (seventy-five dollars ($75) maximum family deductible).

1. The prescription must be written for less than a thirty (30)-day supply.

2. If the member chooses a brand name medication when there is a generic available, s/he will be responsible for twenty percent (20%) of the generic medication's cost (after satisfaction of the deductible), as well as the difference between the cost of the brand name medication and the generic medication. This difference does not apply to the out-of-pocket maximum. This provision does not apply if the doctor has indicated on the prescription that the brand name is necessary.

(B) Maintenance Medications—For those medications listed on the maintenance medication list, as determined by the claims administrator, the member will be responsible for a fifteen-dollar ($15) copayment for each brand name medication and a five-dollar ($5) copayment for each generic medication.

1. The prescription must be written for a thirty to ninety (30–90) day supply.

2. Maintenance medications may be purchased from either a participating local pharmacy or the mail order facility.

3. Unless an exception is approved by the drug/claims administrator for a medically necessary reason, oral contraceptives must be obtained from an approved formulary list.

(C) Out-of-Pocket Maximum—There is a maximum out-of-pocket (including deductibles) of four hundred dollars ($400) per individual, with a maximum family out-of-pocket of twelve hundred dollars ($1,200). The out-of-pocket maximum applies to both maintenance and nonmaintenance medications. Once a member has reached the four hundred dollar ($400)-maximum his/her covered drugs will be covered at 100% for the remainder of the calendar year.]

(A) Medications—

1. In-Network

A. $5 Copay for 30-day supply for generic drug on the formulary

B. $15 Copay for 30-day supply for brand drug on the formulary

C. $25 Copay for 30-day supply for non-formulary drug

2. Non-Network—The deductible will apply. After satisfaction of the deductible, claims will be paid at 50% coinsurance. Charges will not be applied to the out-of-pocket maximum.

3. Mail Order Program—Prescriptions may be filled through a mail order program for up to a 90-day supply for twice the regular copayment for a drug on the maintenance list.

[(D)] **(B)** Nonparticipating Pharmacies—If a member chooses to use a nonparticipating pharmacy, s/he will be required to pay the full cost of the prescription, then file a claim with the prescription drug administrator. S/he will be reimbursed the amount that would have been allowed at a participating pharmacy, less any applicable deductibles or coinsurance. Any difference between the amount paid by the member at a nonparticipating pharmacy and the amount that would have been allowed at a participating pharmacy will not be applied to the out-of-pocket maximum.

AUTHORITY: section 103.059, RSMo 1994. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the ***Code of State Regulations****. Emergency amendment filed Dec. 6, 1999, effective Jan. 1, 2000, terminated Jan. 14, 2000. Amended: Filed Dec. 6, 1999. Emergency amendment filed Jan. 4, 2000, effective Jan. 14, 2000, terminated Feb. 18, 2000. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires June 28, 2000.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of Livestock, Poultry, and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The division is amending subsection (6)(D).

PURPOSE: This amendment specifies that chronic wasting disease (CWD) in cervids is reportable and quarantinable.

(6) Miscellaneous and Exotic Animals. All exotic animals must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(D) Elk and deer may move within Missouri in compliance with the *Cervidae* Uniform Methods and Rules for Brucellosis and the *Cervidae* Uniform Methods and Rules for Tuberculosis. Elk, red deer, reindeer, fallow deer and sika deer six (6) months of age and over must have one (1) approved negative brucellosis test within thirty (30) days prior to shipment. *Cervidae* originating from certified brucellosis-free herds may move on the current herd number and test date. All *cervidae* six (6) months of age and over must have a negative tuberculosis test using the single cervical method or BTB test within ninety (90) days prior to shipment. *Cervidae* originating from accredited TB *cervidae* herds may move on the current herd number and test date. **All suspected or confirmed cases of chronic wasting disease (CWD) must be reported immediately to the state veterinarian. All cervids from infected or source herds will be quarantined.**

AUTHORITY: section 267.645, RSMo 1994. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Feb. 15, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Veterinarian, Department of Agriculture, Division of Animal Health, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities. The department proposes to amend paragraphs (2)(D)3. and 7.

PURPOSE: This amendment opens Maysville (Willow Brook Lake) to fishing and establishes a 15 inch length limit on largemouth bass.

(2) The special regulations in this section apply on all lands and waters included in the department's Urban Fishing Program and Community Assistance Program.

(D) Fishing. Fishing, under statewide seasons, methods and limits, is permitted except as further restricted in this section.

1. Fishing may be further restricted on designated portions of areas.

2. Bullfrogs and green frogs may be taken during the statewide season by hand, handnet, gig, longbow or hook and line except as follows:

A. Longbows may not be used to take frogs on Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake) Farmington City Lake, Jackson County (Alex George Lake,

Bergan Lake, Bowlin Road Lake, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake), Mexico (Lakeview Lake, Kiwanis Lake), Moberly (Rothwell Park Lake, Water Works Lake) and the James Foundation (Scioto Lake).

B. Only pole and line may be used to take frogs on Bridgeton (Kiwanis Lake), Butler City Lake, Kirkwood (Walker Lake), Mineral Area College (Quarry Pond), Overland (Wild Acres Park Lake), Saint Louis County (Bee Tree Lake, Creve Coeur Lake, Simpson Lake, Spanish Lake, Sunfish Lake), Sedalia (Clover Dell Park Lake, Liberty Park Pond), Warrensburg (Lion's Lake), Wentzville (Community Club Lake) and Windsor (Farrington Park Lake).

3. Fishing is prohibited on Jackson County (Fleming Pond) *[and Maysville (new lake)]*.

4. Fish may be taken from lakes only with pole and line with lure or bait and not more than three (3) poles may be used by one (1) person at any time, except as follows:

A. Carp, buffalo, suckers and gar may be taken by gig, longbow or crossbow during statewide seasons on the following lakes:

(I) Brookfield City Lake

(II) Bethany (North Bethany City Reservoir)

(III) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(IV) Fayette (D.C. Rogers Lake, Fayette City Lake No. 2)

(V) Hamilton City Lake

(VI) Harrison County Lake

(VII) Jackson County (Lake Jacomo, north of Colbern Road)

(VIII) Kirksville (Hazel Creek Lake)

(IX) Maryville (Mozingo Lake)

(X) Macon City Lake

(XI) Saint Louis County (Sunfish Lake)

(XII) Unionville City Lake

B. Carp, buffalo, suckers and gar may be taken by gig during statewide seasons on Jackson County (Prairie Lee Lake).

C. Carp, buffalo, gar and shad may be taken by longbow from sunrise to midnight throughout the year on Concordia (Edwin A. Pape Lake) and Higginsville City Lake.

5. Fishing is permitted, except in designated areas, on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Odessa (City Lake, Upper Lake).

6. Statewide daily limits shall apply for all species, except as follows:

A. The daily limit for black bass is two (2) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Butler City Lake

(IV) California (Proctor Park Lake)

(V) Columbia (Twin Lake)

(VI) Concordia (Edwin A. Pape Lake)

(VII) Ferguson (January-Wabash Lake)

(VIII) Higginsville City Lake

(IX) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

(X) Jefferson City (McKay Park Lake)

(XI) Kirksville (Hazel Creek Lake)

(XII) Kirkwood (Walker Lake)

(XIII) Macon (Blees Lake)

(XIV) Mineral Area College (Quarry Pond)

(XV) Overland (Wild Acres Park Lake)

(XVI) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(XVII) St. Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2, and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XVIII) University of Missouri (South Farm R-1 Lake)

(XIX) Warrensburg (Lion's Lake)

(XX) Wentzville (Community Club Lake)

(XXI) Windsor (Farrington Park Lake)

B. The daily limit for bullheads is ten (10) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

C. The daily limit for carp is four (4) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(IV) Saint Louis County (Bellefontaine Park Lake, Queeny Park Lake, Suson Park Lakes **No.** 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

D. The daily limit for channel catfish, blue catfish and flathead catfish in the aggregate is four (4).

E. The daily limit for crappie is fifteen (15) on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Ferguson (January-Wabash Lake)

(III) Kirksville (Hazel Creek Lake)

(IV) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(V) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(VI) Springfield City Utilities (Fellows Lake)

F. The daily limit for white bass, striped bass and their hybrids in the aggregate is four (4) on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

G. The daily limit for gizzard shad for bait on Jackson County (Lake Jacomo, Prairie Lee Lake) and Concordia (Edwin A. Pape Lake) is one hundred fifty (150).

H. The daily limit for other fish (those not included in rules 3 CSR 10-6.505 through 3 CSR 10-6.545 and 3 CSR 10-4.111) is twenty (20) in the aggregate, except on the following lakes where the daily limit in the aggregate is ten (10), and except for those fish included in (2)(D)6.B., C. and G.:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Ferguson (January-Wabash Lake)

(IV) Kirkwood (Walker Lake)

(V) Mineral Area College (Quarry Pond)

(VI) Overland (Wild Acres Park Lake)

(VII) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(VIII) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(IX) Wentzville (Community Club Lake)

7. Statewide length limits shall apply for all species, except that all black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

A. All black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

(I) Bethany (Old Bethany City Reservoir)

(II) Butler City Lake

(III) California (Proctor Park Lake)

(IV) Cameron (Reservoirs No. 1, 2 and 3, Grindstone Reservoir)

(V) Carthage (Kellogg Lake)

(VI) Concordia (Edwin A. Pape Lake)

(VII) Dexter City Lake

(VIII) Hamilton City Lake

(IX) Harrison County Lake

(X) Higginsville City Lake

(XI) Holden City Lake

(XII) Iron Mountain City Lake

(XIII) Jackson (Rotary Park Lake)

(XIV) Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Lake, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake)

(XV) Jefferson City (McKay Park Lake)

(XVI) Lancaster City Lake

(XVII) Maryville (Mozingo Lake)

(XVIII) Maysville (Willow Brook Lake)

[(XVIII)] **(XIX)** Mineral Area College (Quarry Pond)

[(XIX)] **(XX)** Warrensburg (Lion's Lake)

[(XX)] **(XXI)** Windsor (Farrington Park Lake)

[(XXI)] **(XXII)** Unionville City Lake

[(XXII)] **(XXIII)** University of Missouri (Dairy Farm Lake No. 1, McCredie Lake)

B. All black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

(I) Ballwin (New Ballwin Lake, Vlasis Park Lake)

(II) Bridgeton (Kiwanis Lake)

(III) Columbia (Twin Lake)

(IV) Ferguson (January-Wabash Lake)

(V) Kirksville (Hazel Creek Lake)

(VI) Kirkwood (Walker Lake)

(VII) Macon (Blees Lake)

(VIII) Overland (Wild Acres Park Lake)

(IX) Saint Louis City (Benton Park Lake, Boathouse Lake, Clifton Heights Park Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, Willmore Park North Lake, Willmore Park South Lake)

(X) Saint Louis County (Bee Tree Lake, Bellefontaine Park Lake, Creve Coeur Lake, Queeny Park Lake, Simpson Lake, Spanish Lake, Sunfish Lake, Suson Park Lakes, No. 1, 2 and 3, Tilles Park Lake, Veteran's Memorial Park Lake)

(XI) University of Missouri (South Farm R-1 Lake)

(XII) Wentzville (Community Club Lake)

C. All black bass more than fourteen inches (14") but less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on LaBelle City Lake.

D. All white bass, striped bass and their hybrids less than twenty inches (20") total length must be returned to the water unharmed immediately after being caught on Cameron (Reservoir No. 3) and Saint Louis County (Creve Coeur Lake).

E. All bluegill less than nine inches (9") total length must be returned to the water unharmed immediately after being caught on University of Missouri (Dairy Farm Lake No. 1 and McCredie Lake).

F. All channel catfish less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on Macon City Lake and Marceline City Lake.

G. All flathead catfish less than twenty-four inches (24") total length must be returned to the water unharmed immediately after being caught on Concordia (Edwin A. Pape Lake), Higginsville City Lake and Saint Louis County (Bee Tree Lake, Sunfish Lake).

H. All muskellunge less than forty-two inches (42") total length must be returned to the water unharmed immediately after being caught in Kirksville (Hazel Creek Lake).

I. All walleye less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on, Memphis (Lake Showme) and Maryville (Mozingo Lake).

8. Netting or trapping live bait is prohibited, except that on Concordia (Edwin A. Pape Lake), Jackson County (Lake Jacomo, Prairie Lee Lake) gizzard shad may be taken with dip net or throw net.

9. All trout must be returned to the water unharmed immediately after being caught and only flies, artificial lures and soft plastic baits (unscented) may be used from November 1 to January 31 on Kirkwood (Walker Lake), Overland (Wild Acres Park Lake) and Saint Louis County (Tilles Park Lake). Trout may not be possessed on these waters during this season.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed May 31, 1990, effective Jan. 1, 1991. For intervening history, please consult the ***Code of State Regulations****. Amended: Filed Feb. 7, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF *[HIGHWAYS AND]* TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.010 Purpose. The commission is amending the fiscal note with respect to the Adopt-A-Highway Program and proposes to add new sections (3) and (4).

PURPOSE: This amendment revises the fiscal note information and further describes the purpose of the Adopt-A-Highway Program.

(3) This program will have the result of a cost savings to the Missouri Department of Transportation (MoDOT) for other highway purposes.

(4) The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes. Missouri highway right-of-way is not a public forum.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed Feb. 8, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate. However, this amendment will result in a savings of approximately $1,422,892 per year to the Missouri Department of Transportation. See attached fiscal note.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. 7 CSR 10-14.010

Title: 7 - Missouri Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 14 - Adopt-A-Highway Program

Type of Rulemaking: Amended Rule

Rule Number and Name: 7 CSR 10-14.010, Purpose.

II. SUMMARY OF FISCAL IMPACT

Estimate of number of entities by class which would likely be affected by adoption of rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Missouri Department of Transportation (MoDOT)	($ 1,422,892)savings

III. WORKSHEET

MoDOT's expenditures:

Signs, including installation:

$149/for 2 signs x 200 groups-permanent sign	$ 29,800
Trash Bags: .15/bag x 15 bags x 4 pickups per year = $9/group $9 x 4,673 groups participating	42,057
Safety Vests: .38 x 47,000 (approx. individual participants) divided by 3 (one-time charge and vests may be reused)	5,953
TOTAL	$ 77,810

MoDOT savings per year

Adopt-A-Highway litter pick up averages 15 trash bags
per pick up at four pick ups per year.
(4,673 groups x 4 pick ups x 15 trash bags = 280,380 bags)

Labor cost if agency did trash pick up rather than

volunteers - 280,380 total bags (divided by 3 bags picked up per hour = 93,560 bags / hour x average labor rate of $16.04/hr.	$1,500,702
Minus State Expenditures	- $ 77,810
TOTAL STATE SAVINGS PER YEAR	**$1,422,892**

IV. ASSUMPTIONS

The fiscal impact on the Missouri Department of Transportation is based upon the following assumptions and methodolgy:

(a) There were 4,673 groups during the year 1999. Each group is to perform a program activity at least 4 times per year. Each activity averages in15 bags of trash being picked up. This calculates at a total of 280,380 trash bags per year. The average worker would pick up 3 bags of trash per hour. A MoDOT employee's average labor rate (pay grade 5) is $16.04. Therefore, it would cost MoDOT $1,500,702 in labor expenses to do the work of the adopters.

(b) These public entity costs will recur each year for the life of the rule; however, the number of program participants will vary from year to year and are almost impossible to predict accurately.

Title 7—DEPARTMENT OF *[HIGHWAYS AND]* TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.020 Definitions. The commission proposes to amend previous sections (3), (7), (9), and (10) and add new sections (9) and (12).

PURPOSE: This amendment contains additional definitions of terms used in this chapter.

(3) Adopter representative means a group member designated to represent the volunteer group and serve as its liaison with the commission. *[Usually the person who signs the agreement is the adopter representative.]* **The adopter representative is the person who signs the agreement.**

(7) Department means the *[Missouri Highways and Transportation Department]* **Missouri Department of Transportation**.

(9) Participant means any individual or group who will be participating in the program activity.

[(9)] (**10**) Program means the Adopt-A-Highway Program**.**

[(10)] **(11)** Program activity means litter pickup and/or beautification and/or mowing.

(12) Violent criminal activity means any offenses having as an element the use, attempted use, or threatened use of physical force against the person or property of another or any offense involving weapons, hate crimes, sexual assault, aggravated harassment, civil rights violations, and offenses defined under the Racketeer Influenced and Corrupt Organizations Act (RICO), *United States Code* Title 18, or for whom state or federal courts have taken judicial notice of an applicant's unlawful activity or advocating of violence.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed Feb. 8, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities, including small businesses, more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 7—DEPARTMENT OF *[HIGHWAYS AND]* TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.030 Application for Participation. The commission proposes to amend the previous section (1) and subsections (2)(A), (2)(B), and (2)(C) and add a new section (1) and subsections (2)(B), and (2)(C).

PURPOSE: This amendment is to further identify criteria for eligible adopters and criteria in determining whether an application is rejected or accepted.

(1) The adopter representative of a group who desires to participate in the program shall submit an application to the commission on a form provided by the commission.

[(1)] **(2)** Eligible Adopters. Eligible adopters include civic and nonprofit organizations, commercial and private enterprises and individuals **who have not been convicted of or who are not associated with organizations who have been convicted of a violent criminal activity, do not practice any action which constitutes a hate crime, and do not overtly deny membership on the basis of race**. *[The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes.]* The commission reserves the right to limit the number of adoptions for a single group.

[(2)] **(3)** Acceptance of Application. The commission will have sole responsibility in determining whether an application is rejected or accepted and determining what highways will or will not be eligible for adoption.

(A) The commission may refuse to grant a request to participant if, in its opinion, granting the request would jeopardize the program*[,]* **or the safety of the adopters, traveling public or Missouri Department of Transportation (MoDOT) employees, or otherwise** be counterproductive to *[its]* **the program's** purpose or have undesirable results such as increased litter, vandalism or sign theft.

(B) The commission may refuse to grant a request to participate if the applicant has submitted false statements of a material fact or has practiced or attempted to practice any fraud or deception in an application.

(C) An application completed by an individual on behalf of a group or organization must identify the group or organization for which the application is being submitted and failure to identify the group or organization on the application will result in rejecting the application.

*[(B)]***(D)** Applicants must adhere to the restrictions of all state and federal nondiscrimination laws **including state executive orders**. Specifically, the applicant must not discriminate on the basis of race, religion, color, national origin or disability. **The adopter representative will certify on the application form that the group or organization does not overtly deny membership on the basis of race.** Such discrimination disqualifies the applicant from participation in the program.

*[(C)]***(E)** Applicants with a history of unlawfully violent *[or]* criminal *[behavior]* **activity as defined in this chapter** will be prohibited from participation in the program.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed Feb. 8, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF *[HIGHWAYS AND]* TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.040 Agreement *[Terms]; Responsibilities of Adopter and Commission***.** The commission proposes amending the rule title and to amend previous subsection 2(C), and add new subsections (2)(B), (2)(E), (2)(F), (2)(S), (2)(T) and (3)(D) and delete section (4).

PURPOSE: This amendment provides for additional terms of the written agreement between the adopter and the commission to promote the safety of the program and to develop a record-keeping system for tracking the program's success.

(2) Responsibilities of Adopter. The adopter shall—

(B) Provide to the commission, in writing, the name and complete mailing address, including street address, of the adopter representative and to notify the commission within thirty (30) days, in writing, of any change of adopter representative name or address;

*[(B)]***(C)** Abide by all safety requirements as listed in the department's Safety Tips brochure;

*[(C)]***(D)** Have *[all members of the group]* **each adopter representative** participating in the program activity attend a safety **training** meeting conducted by the *[adopter representative, or designee,]* **commission** before participation in any program activity;

(E) Have all members of the group participating in the program activity attend a safety training meeting conducted by the adopter representative, or designee, before participation in any program activity;

(F) Have the adopter representative provide to the commission, in writing, the name of each member of the group who will be participating in the program activity, indicating that each member has attended a safety training meeting;

*[(D)]***(G)** Properly use all safety equipment provided by the department and perform the work in a safe and professional manner;

*[(E)]***(H)** Provide one (1) adult supervisor for every eight (8) participants between thirteen and seventeen (13–17) years of age and one (1) adult supervisor for every four (4) participants between six and twelve (6–12) years of age. No one under the age of six (6) will be allowed to participate in the program;

*[(F)]***(I)** Adopt a section of highway right-of-way for a minimum of three (3) years;

*[(G)]***(J)** Collect litter along the adopted section a minimum of four (4) times per year, or as required by the commission;

*[(H)]***(K)** Adopt for litter pickup a minimum of two (2) miles in rural areas and one-half (1/2) mile in urban areas. Shorter lengths may be permissible in special circumstances;

*[(I)]***(L)** Provide prior notice, as required by the commission**,** before performing any program activity;

*[(J)]***(M)** Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;

*[(K)]***(N)** Perform program activity between the hours of one (1) hour after sunrise to one (1) hour before sunset and not during inclement weather;

*[(L)]***(O)** Prohibit members from possessing, consuming, or being under the influence of alcohol or drugs while participating in the program;

*[(M)]***(P)** Place litter in trash bags provided by the department and place filled trash bags at a designated location;

*[(N)]***(Q)** Separate tires, batteries and other trash as needed for proper disposal according to local landfill requirements; *[and]*

*[(O)]***(R)** Indemnify and hold harmless the commission and department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program*[.]***;**

(S) Have the adopter representative submit to the commission within five (5) working days an after action report using a form provided by Missouri Department of Transportation (MoDOT). This form will enable MoDOT to monitor the program's success; and

(T) Not subcontract or assign its responsibilities under this program to any other enterprise, organization, or individual unless assignee is also an active adopter.

(3) Responsibilities of Commission. The commission shall—

(D) Provide safety training to the adopter representative which includes but is not limited to a safety video and Safety Tips brochure.

*[(D)]***(E)** Provide the adopter with safety equipment; and

*[(E)]***(F)** Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished.

[(4) Termination of Agreement. The commission reserves the right to terminate the agreement and remove the signs when, in the sole judgment of the commission, it is found the adopter has not met the terms and conditions of the agreement or there is concern about the safety of the adopters, traveling public or Missouri Highways and Transportation Department (MHTD) employees.]

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed Feb. 8, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF *[HIGHWAYS AND]* TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.050 Sign *[Specifications]*. The commission proposes to amend this rule to delete the word "Specifications" from the rule title, amend subsections (1)(A), (1)(C) and section (3) and add a new section (5).

PURPOSE: This amendment is to clarify the purpose and intent of the adopt-a-highway signs.

(1) The signs shall—

(A) Identify and recognize the adopter, but are not intended to be, an advertising medium **or serve as a means of providing a public forum for the participants**;

(C) Have the actual name of the adopter with no telephone numbers, logos, slogans or addresses**, including internet addresses,** with verbiage kept to a minimum.

(3) The erection of a sign is not a requirement for participation in the program. The commission, at *[their]* **its** sole discretion, may refuse to erect *[a sign under the program]* **and/or remove a sign**.

(5) Two (2) signs will be erected for each group, one at each end of the adopted section, at or about the time of the first program activity.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed Feb. 8, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED RULE

7 CSR 10-14.060 Termination or Modification of the Agreement

PURPOSE: This rule provides for the commission to terminate or modify the program agreement.

(1) The agreement may be terminated or modified at the sole discretion of the commission.

(2) The commission reserves the right to terminate or modify the program agreement and remove the signs when, in the sole judgment of the commission, it is found that:

(A) Continuing the agreement would jeopardize the program, be counterproductive to the program's purpose or create a hazard to the safety of the adopters, traveling public or Missouri Department of Transportation (MoDOT) employees;

(B) The adopter has not met the terms and conditions of the agreement; or

(C) Actions of the adopter may be contrary to any legislative restrictions or any restrictions on the use of appropriated funds for political activities.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 8, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities, including small businesses, more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 25—Fiscal Management
Chapter 4—Vendor Procedures

PROPOSED AMENDMENT

9 CSR 25-4.040 Recovery of Overpayments to Providers. The department is amending sections (1)–(6) and add new sections (7)–(12).

PURPOSE: The Department of Mental Health proposes to amend this rule to correspond with changes in section 630.460, RSMo 1996.

(1) Providers that deliver care, treatment, habilitation or rehabilitation services to clients under contract with the department may receive *[payments in excess of or contrary to the provisions of the contract with]* **an overpayment which must be repaid to** the department. *[These overpayments are due immediately and must be repaid by the provider within forty five (45) days after the overpayment are discovered or reasonably should have been discovered.]* **An overpayment is any payment by the department which is:**

(A) Greater than the contracted rate for a service less any portion paid by or on behalf of a client;

(B) For services not provided;

(C) For services not authorized in the contract; or

(D) For services provided contrary to the provisions of the contract.

(2) *[Upon discovery of]* **On determination** an overpayment **has been made**, the department*[,]* shall notify the provider **by certified mail** of the **amount of the** overpayment**, the basis of the overpayment** and *[the date the overpayment was or should have been discovered. The department shall determine whether the overpayment shall be repaid by applying a credit against a future payment due to the provider or by the provider issuing a refund to the department.]* **request reimbursement. The date on the certified mail return receipt shall be the official date of notice of overpayment.**

(3) *[Within fifteen (15) days of receipt of the notice of overpayments, a provider may request the division director for a review of the overpayment. The division director, in consultation with the deputy director administration, shall review the overpayment within fifteen (15) days of the request for review. The criteria which the division director shall consider in conducting the review include:]* **If the provider concurs with the overpayment, the provider should promptly contact the department and make arrangements for repayment to avoid interest charges. Any overpayment not**

repaid within forty-five (45) days from the date of notice shall accrue interest charges on the unpaid balance from the date of notice of overpayment.

[(A) Whether the overpayment was properly and reasonably determined;

(B) Whether extraordinary circumstances caused or resulted in the overpayments; and

(C) Whether the clients being served by the provider would be adversely impacted.]

(4) If *[any overpayment is not fully repaid within forty-five (45) days of the due date, the department shall assess interest on the unpaid balance. Interest shall be charged beginning with the forty-sixth (46th) day after the due date at the rate of one and five tenths percent (1.5%) per month]* **the provider does not concur with the overpayment, the provider may request a review of the overpayment by the department. This request must be made within thirty (30) days of receipt of the notice of overpayment. The department shall review the overpayment within fifteen (15) days of the request for review. If requested by the provider, the review will be conducted in person and the department will notify the provider of the date, time and place for the review. The criteria for the review shall be to:**

(A) Verify the overpayment was properly determined in accordance with the terms of the provider contract;

(B) Verify the overpayment amount has been properly calculated;

(C) Examine and accept additional documentation or other material from the provider; and

(D) Upon completion of the review, the department shall notify the provider of the results of the review in writing.

(5) *[If any overpayment plus interest is not fully repaid within six (6) months of the due date, the department may certify the amount due to the Department of Revenue, the Office of the Attorney General, or take other collection actions.]* **After any review, if requested, and the overpayment amount has been finally determined, the department shall initiate appropriate collection actions.**

(A) If any portion of the overpayment consists of Medicaid claims payments, these claims shall be subject to recovery provisions of the Medicaid program and shall be referred to the Department of Social Services, Division of Medical Services.

(B) If any portion of the overpayment is due and payable to the Department of Mental Health, such amounts shall be collected in accordance with the following provisions.

(6) *[Payments received by the department shall first be applied to accrued interest and then to reduce the balance of the overpayment.]* **Whether or not the provider requests a review, the department and the provider have forty-five (45) days from the date of notice of overpayment to negotiate a repayment plan. A repayment plan may allow for payments over a specific time period and shall not exceed twelve (12) months. The repayment plan must be in writing and be signed by the department and the provider. If a repayment plan is not adopted, the overpayment is immediately due and payable.**

(7) The department shall specify the method of repayment which may include direct payment by the provider, deduction from future amounts due to the provider, or both. The department shall maintain a record of each overpayment in an account showing the amount due, payments received and interest charged.

(8) An overpayment account shall be considered to be delinquent if:

(A) The account is not subject to a repayment plan and it is not repaid within forty-five (45) days from the date of notice of overpayment; or

(B) The account is subject to a repayment plan and an installment payment is not received within thirty (30) days of the installment due date.

(9) The department may take appropriate actions to recover delinquent amounts due to the department, which may include:

(A) Sending notices to the provider requesting immediate payment;

(B) Deducting the overpayment from amounts due to the provider by the department; and

(C) Filing a claim for debt offset with the Director of Revenue to recover the overpayment from any refunds due to the provider by the Department of Revenue.

(10) An overpayment account shall be considered to be in default if:

(A) The account is not subject to a repayment plan and is not fully repaid within six (6) months from the date of notice of the overpayments; or

(B) The account is subject to a repayment plan and is delinquent for more than three (3) months in installment payments.

(11) The department may take appropriate actions to seek recovery of overpayment accounts which are in default. These actions may include:

(A) Deducting the overpayment from amounts due to the provider by the department;

(B) Filing a claim for debt offset with the Director of Revenue to recover the overpayment from any refunds due to the provider by the Department of Revenue; and

(C) Certifying the overpayment to general counsel or the Office of the Attorney General to seek a judgment for settlement of the amount due.

(12) Interest shall be charged on any overpayment balance not repaid within forty-five (45) days of the date of notice of overpayment. Interest shall accrue from the date of notice of overpayment and be calculated on a daily basis. The interest rate to be charged on overpayments may vary and will be set for each calendar year. The rate of interest shall be the annual rate determined by the Department of Revenue, as provided in section 32.085, RSMo, plus three (3) percentage points. Payments received by the department shall first be applied to accrued interest and then to reduce the balance of the overpayment.

*AUTHORITY: section 630.050, RSMo [1994] **Supp. 1999**. Emergency rule filed Aug. 3, 1984, effective Aug. 13, 1984, expired Dec. 10, 1084. Original rule filed Sept. 10, 1984, effective Dec. 13, 1984. Amended: Filed July 17, 1995, effective Feb. 25, 1996. Amended: Filed Feb 15, 2000.*

PUBLIC COST: This proposed amendment will result in a projected loss of $7,018 in state revenue to the State General Revenue Fund in FY 2001. Total loss in state revenue over the twenty year life of the rule is an estimated $172,206.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Mental Health, Jackie D. White, Deputy Director Administration, P. O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY COST
9 CSR 25-4.040 Recovery of Overpayments to Providers

Prepared August 17, 1999 by Department of Mental Health, Office of Administration
Affected Agencies: Department of Mental Health, Office of the Director

EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Loss of interest revenue	7,018	7,090	7,163	7,236	7,310	7,385	7,461	7,537	7,615	7,693	7,771
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
Totals	7,018	7,090	7,163	7,236	7,310	7,385	7,461	7,537	7,615	7,693	7,771

EXPENDITURES	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Loss of interest revenue	7,851	7,932	8,013	8,095	8,178	8,262	8,346	8,432	8,518	8,606	8,694
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
Totals	7,851	7,932	8,013	8,095	8,178	8,262	8,346	8,432	8,518	8,606	8,694

Total for 20 life of the rule: 172,206

Assumptions:

1. Inflation of 2.5% per year is compounded for salaries and 3% for expenses.
2. Based on H.B. 1081, A.L. 1996, section 630.460, RSMo was revised to reduce the rate of interest the department will charge on overpayments. The old rate was 1 and 1/2 percent per month (18% annually). This was changed to "a rate not to exceed the annual rate established pursuant to the provisions of 32.065, RSMo, plus three percentage points." This refers to the rate established by the Department of Revenue which for FY 1999 is 8%. The department is charging 11% (8% plus three percentage points.) Amounts above for FY 1996 through 1998 are actual amounts collected. The remaining amounts are estimates using only the 2.5% inflation assumption.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and Developmental Disabilities
Chapter 5—Standards

PROPOSED RULE

9 CSR 45-5.040 Missouri Alliance for Individuals with Developmental Disabilities

PURPOSE: This rule establishes the Missouri Alliance for Individuals with Developmental Disabilities (MOAIDD) and its governing board, and describes its activities. The functions of MOAIDD were previously promulgated under 9 CSR 45-5.010. This new rule separates the MOAIDD functions from the certification process. MOAIDD is an organization of volunteers with developmental disabilities or immediate family members of persons with developmental disabilities which shall conduct visits with individuals receiving services from the Division of Mental Retardation and Developmental Disabilities. This rule defines terms, establishes principles and sets out the process by which MOAIDD will conduct visits.

(1) The Missouri Alliance for Individuals with Developmental Disabilities (MOAIDD) Board shall be established by the Department of Mental Health, Division of Mental Retardation/Developmental Disabilities. The board shall be appointed by the division director.

(A) The MOAIDD Board shall be responsible for the development, modification, evaluation and continuing oversight of the process of volunteer visiting. The MOAIDD Board, in cooperation with the Department of Mental Health, Division of Mental Retardation/Developmental Disabilities, shall determine necessary administrative, staffing and procedural functions of the volunteer visiting and shall advise the division on policy matters. The board is advisory and shall focus on the individuals receiving services. The board shall not review the agency or facility for compliance with local, state, or federal standards.

(B) Membership of the MOAIDD Board shall consist of fifteen (15) individuals with developmental disabilities and/or their family members who reside in the state of Missouri and share involvement in the life of their family member with developmental disabilities. At no time shall less than two (2) members of the board be individuals with developmental disabilities. One individual shall be selected to serve from each of the eleven (11) regions of the state. Four (4) additional individuals shall be selected from the state to serve as at-large members.

(C) Board members shall not serve more than two (2) consecutive three (3)-year terms. Following a one-year period off the board, an individual may be eligible to serve again.

(D) The board shall establish a Constitution and Bylaws, approved by the division, that sets forth its responsibilities, operating procedures and membership guidelines.

(2) Terms defined in sections 630.005 and 633.005, RSMo, are incorporated by reference for use in this rule. As used in this rule, unless the context clearly indicates otherwise, the following terms also mean:

(A) ACD—Accreditation Council on Services for People with Disabilities, also known as The Council on Quality and Leadership in Supports for People with Disabilities.

(B) Agency quality assurance/enhancement—a written document prepared by the regional center and provider agency to address quality assurance issues.

(C) CARF—The Commission for Accreditation of Rehabilitation Facilities, also known as The Rehabilitation Accreditation Commission.

(D) Certification unit—the unit within the Department of Mental Health that administers the certification process described in 9 CSR 45-5.010 for community-based programs funded under the Medicaid HCB waiver program.

(E) Department—the Missouri Department of Mental Health.

(F) Division—the Division of Mental Retardation and Developmental Disabilities within the Missouri Department of Mental Health.

(G) HCB waiver program—the Missouri Medicaid Home- and Community-Based Waiver for Persons with Mental Retardation and Developmental Disabilities.

(H) MOAIDD is a self-governing organization of volunteers with developmental disabilities and immediate family members of individuals with developmental disabilities, established by the division, to assess the quality of life for individuals receiving services through the division.

(I) MOAIDD team—a volunteer team consisting of a team leader and at least one team member.

(J) MOAIDD team leader—an experienced team member who has received MOAIDD volunteer training and team leader training.

(K) MOAIDD team member—a person with a developmental disability or such person's immediate family member who has participated in volunteer training, has passed a background screening according to 9 CSR 10-5.190 and has signed a confidentiality statement.

(L) MOAIDD visit—a visit by a MOAIDD team with an individual receiving services through the division to ensure the individual is living as full a life as possible.

(M) Observations—comments in the MOAIDD team report reflecting positive outcomes present in the individual's life.

(N) Overriding concern—a significant concern in the individual's life identified by the MOAIDD team that, while not a red or Yellow Flag, needs to be addressed.

(O) Recommendation—an action step suggested by the MOAIDD team intended to address a Yellow Flag issue or overriding concern, or otherwise to enhance the individual's quality of life.

(P) Red Flag—an immediate threat to the individual's health/safety.

(Q) Yellow Flag—a significant, but not immediate, threat to an individual's health, safety or rights.

(3) MOAIDD Visits.

(A) The purpose of the MOAIDD visit is to determine if an individual is living as full a life as possible, not to review local, state or federal standards. This determination is based, in part, on the division's philosophy and guidelines regarding self-determination, community membership, rights, health and safety. Of more significance, the determination is based on the volunteer's own perspective as a person with a developmental disability or the family member of a person with such a disability. Visits are conducted independently from other quality assurance reviews including those by the certification unit.

(B) Who Gets Visited.

1. Routine visits: MOAIDD shall visit individuals served in residential setting by residential providers reimbursed under the HCB Waiver. Not-for-profit providers accredited by CARF or ACD and in good standing with the accrediting agency are exempt from routine visits. If an individual resident in a CARF or ACD accredited agency or that person's guardian requests a MOAIDD visit, the visit can occur with the provider's permission.

2. Requested visits: MOAIDD visits may be requested at any time by an individual, family member or guardian, regional center, or provider to assist with planning and resource development to enhance the individual's life. The permission of the individual or his or her guardian must be obtained. Requested visits shall not be made to individuals receiving residential services from agencies

exempted from routine visits in paragraph 1., without the provider's permission.

(C) Schedule of MOAIDD visits. MOAIDD will conduct routine visits alternately with certification, with at least nine (9) months intervening between routine certification surveys and routine MOAIDD visits. MOAIDD visits are subject to the availability of volunteers. Requested visits will occur as quickly as possible following the request.

(D) Outcome of Visits.

1. MOAIDD visits shall result in observations and recommendations regarding the individual visited. These observations and recommendations shall be reported to the regional center director or designee and to the provider. The regional center shall consider the recommendations, and as appropriate, and with agreement of the individual or guardian, incorporate them in the individual's plan. These recommendations are intended to enhance the life of the individual visited, but may also contain information pertinent to the lives of other individuals served. The regional center and provider shall determine the generalized applicability of the recommendations and shall incorporate those that are pertinent, in the agency's quality assurance/enhancement plan.

2. In addition, section (4) of this rule specifies how the MOAIDD team will react to observing conditions that, in its opinion, require prompt action on behalf of the individual to preserve or protect health, safety or rights.

(4) This section prescribes two (2) sets of indicators referred to as red and Yellow Flags.

(A) The following conditions shall be considered Red Flags.

1. The team members suspect, for whatever reason, that the individual's health or safety is at immediate risk. This could include situations in which agency staff appear not sufficiently trained/knowledgeable, or otherwise unable, to address threatening health, dietary, medicinal needs or operate prescribed equipment to an extent that it constitutes an imminent or immediate threat.

2. The team members suspect, for whatever reason, that the individual(s):

A. Is being verbally, physically or sexually abused;

B. Is being neglected;

C. Is the victim of verbal manipulation or other type of psychological mistreatment; or

D. Has been mechanically, physically and/or chemically restrained and the restraint is not appropriately addressed in the individual's plan.

(B) The following conditions shall be considered Yellow Flags if the team members believe they constitute a significant but not immediate threat to an individual's health, safety or rights.

1. The individual does not have a physician or dentist and/or does not see them at least annually.

2. The individual has experienced emotional or physical trauma and his/her needs have not been addressed.

3. Safety devices (smoke detectors, fire extinguishers, locks, railings, etc.) are missing or in need of repair.

4. There are no procedures or practice for emergency situations.

5. Residence appears to be an unhealthy environment (e.g. dirty, strong odors, mildew, wiring is exposed, electrical fixtures and/or plumbing fixtures are broken, broken furniture, unhealthy clutter, heating or air conditioning is inadequate or nonfunctioning, etc.).

6. The individual's ordinary living activities are unreasonably limited or restricted.

7. The individual is not provided with needed information or training that would allow him/her greater independence.

8. Community access rarely occurs or is limited by insufficient staff and/or available transportation.

9. Staff lacks adequate training on health/medical issues, (cardiopulmonary resuscitation, first aid, physical management, nutritional management, drug side effects, seizures and allergies).

10. Staff lacks a means of communication with the individual they serve.

11. There is insufficient staff or staff is unfamiliar with the individual, resulting in staff not meeting the needs of the individual.

12. There is evidence that the individual is, or has been, restricted from activities.

13. Staff is unfamiliar or untrained regarding the specific needs of the individual they support (e.g. behavior, verbal, physical, psychological or recognition of abuse and neglect).

14. Medication is not stored or managed in a safe manner.

15. The individual is restricted from seeing family, friends or guardian.

16. The individual is not treated in a respectful manner by staff/administration.

17. Adaptive equipment is unavailable, broken or restricted from use.

18. Other items, which may not be significant individually but cumulatively, represent a threat to the safety, health or rights of the individual.

(5) MOAIDD visits shall proceed according to the requirements set forth in this section.

(A) The MOAIDD coordinator shall randomly select at least one individual from each residence where an agency provides residential service and shall notify the agency and regional center of the intent to visit.

(B) With the individual's/guardian's permission, pre-visit surveys returnable within thirty (30) days, shall be sent to the individual's family/guardian, residential provider, service coordinator and, when appropriate, daily activities provider.

(C) The MOAIDD team shall—

1. Gather information through observation, review of relevant records and conversation with the individual and staff; and

2. Issue a written report within seventy-two (72) hours to the MOAIDD coordinator for further processing.

(D) The MOAIDD coordinator shall distribute the written report within thirty (30) days of the visit to the individual visited, guardian, residential provider agency appropriate division staff, certification unit, members of the MOAIDD team that conducted the visit and other persons designated by the individual visited or the individual's guardian.

(E) If the MOAIDD team identifies Red Flags, the team shall proceed as follows:

1. The team leader shall remain on-site and immediately notify the MOAIDD coordinator who shall contact the regional center director or designee and request that he/she go to the location where the Red Flag was reported.

2. After the regional center director or designee arrives and the team leader provides any necessary information, the MOAIDD visit ceases and standard division procedures shall be followed. The team leader may then leave the site and contact the MOAIDD coordinator to complete any further documentation.

3. Should the Red Flag result in an abuse/neglect investigation, the findings shall be recorded in the department's Incident and Investigation Tracking System. The regional center director shall incorporate in the agency's quality assurance/enhancement plan the action steps that result from the findings and notify the MOAIDD coordinator of the actions taken. If there are enforcement issues the regional center shall notify the certification unit.

4. If the initial inquiry into the Red Flag does not warrant an abuse/neglect investigation, the regional center shall submit a written report of findings within two (2) working days of the inquiry to the MOAIDD coordinator.

(F) If the MOAIDD team identifies Yellow Flags, the team shall proceed as follows:

1. The team leader shall inform the MOAIDD coordinator of the Yellow Flags within twenty-four (24) hours of the visit.

2. The MOAIDD coordinator shall immediately notify the regional center director or designee of the Yellow Flag issues. The coordinator shall follow up with written notification within two (2) working days following contact with the regional center.

3. The regional center director shall incorporate in the agency's quality assurance/enhancement plan the action steps that result from the findings and notify the MOAIDD coordinator of the actions taken. If there are enforcement issues the regional center shall notify the certification unit.

4. After receiving consent from the individual/guardian, all action steps which pertain specifically to the individual will be documented in his/her personal plan and forwarded to the MOAIDD coordinator.

(G) The regional center director shall review all overriding concerns and recommendations reported by the MOAIDD team. Action steps to address these overriding concerns and recommendations shall be incorporated, as appropriate, in the agency's quality assurance/enhancement plan. They shall also be incorporated in the individual's personal plan, with the consent of the individual/guardian. The regional center director shall provide a written report to the MOAIDD coordinator indicating action taken.

AUTHORITY: section 633.010, RSMo 1994. Original rule filed Feb. 15, 2000.

PUBLIC COST: This proposed rule will cost the department of mental health approximately $300,930 during fiscal year 2001. See attached fiscal note.

PRIVATE COST: This proposed rule will have a cost to volunteers in terms of their personal time will be approximately $20,008 during the fiscal year 2001. See attached fiscal note.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Mental Health, Attn: Jackie Coleman, Division of Mental Retardation and Developmental Disability, P.O. Box 687, Jefferson City, MO 65102. To be considered comments must be in writing and must be received within thirty days after publication in the ***Missouri Register****. No public hearing is scheduled.*

PUBLIC ENTITY COST

Number and Title of Rule

9 CSR 45-5.040 Missouri Alliance for Individuals with Developmental Disabilities

Prepared December 22, 1999 by Department of Mental Health, Division of Mental Retardation and Developmental Disabilities

Affected Agencies: Department of Mental Health, Division of Mental Retardation and Developmental Disabilities

EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1 Statewide Coordinator	31,308	64,494	66,148	67,844	69,584	71,368	73,198	75,075	77,000	78,974	80,999
4 Regional Coordinators	50,424	103,873	106,536	109,268	112,070	114,944	117,891	120,914	124,014	127,194	130,455
.5 Clerical	5,760	11,520	11,816	12,119	12,429	12,748	13,075	13,410	13,754	14,107	14,469
Fringe Benefits	26,151	58,533	60,034	61,574	63,153	64,772	66,433	68,136	69,883	71,675	73,513
Equipment- File Cabinet	1,715										2,323
Equipment- Personal Computer, Network Card,	10,080				11,375				12,849		
Expense one time- Software	1,305				1,473				1,663		
Expenses- Travel and Professional Development	7,320	14,640	15,093	15,560	16,041	16,537	17,048	17,576	18,119	18,680	19,257
Expenses- Supplies, Telephone, Postage, and Copying	4,823	9,645	9,943	10,251	10,568	10,895	11,232	11,579	11,937	12,306	12,687
MOAIDD Board Members Expenses	3,500	7,210	7,433	7,663	7,900	8,144	8,396	8,656	8,924	9,200	9,484
Volunteers Training and Visit Expenses	12,750	26,265	27,077	27,915	28,778	29,668	30,586	31,532	32,507	33,512	34,549
MOAIDD Conferences/Registration	1,000	2,060	2,124	2,189	2,257	2,327	2,399	2,473	2,550	2,628	2,710
Miscellaneous MOAIDD Expenses	1,305	2,688	2,771	2,857	2,945	3,036	3,130	3,227	3,327	3,430	3,536
Totals	138,886	300,930	308,977	317,240	338,573	334,439	343,388	352,578	376,527	371,706	383,982

EXPENDITURES	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
1 Statewide Coordinator	83,076	85,206	87,336	89,520	91,758	94,051	96,403	98,813	101,283	103,815	106,411
4 Regional Coordinators	133,800	137,231	140,662	144,178	147,783	151,477	155,264	159,146	163,125	167,203	171,383
.5 Clerical	14,840	15,220	15,601	15,991	16,390	16,800	17,220	17,651	18,092	18,544	19,008
Fringe Benefits	75,398	77,331	79,264	81,246	83,277	85,359	87,493	89,680	91,922	94,220	96,576
Equipment- File Cabinet											3,221
Eauipment- Personal Computer, Network Card,		14,514				16,336				18,386	
Expense one time- Software		1,879				2,115				2,380	
Expenses- Travel and Professional Development	19,853	20,467	21,081	21,713	22,365	23,036	23,727	24,439	25,172	25,927	26,705
Expenses- Supplies, Telephone, Postage, and Copying	13,079	13,484	13,889	14,305	14,734	15,176	15,632	16,101	16,584	17,081	17,594
MOAIDD Board Members Expenses	9,778	10,080	10,382	10,694	11,015	11,345	11,685	12,036	12,397	12,769	13,152
Volunteers Training and Visit Expenses	35,617	36,719	37,821	38,955	40,124	41,328	42,567	43,844	45,160	46,515	47,910
MOAIDD Conferences/Registration	2,794	2,880	2,966	3,055	3,147	3,241	3,339	3,439	3,542	3,648	3,758
Miscellaneous MOAIDD Expenses	3,645	3,758	3,871	3,987	4,106	4,230	4,357	4,487	4,622	4,761	4,903
Totals	391,880	418,769	412,872	423,644	434,699	464,494	457,687	469,635	481,898	515,249	510,620

Total for life of the rule: 8,548,673

Assumptions:

1. Inflation of 2.5% per year is compounded for salaries and 3% for expenses.
2. Fringe for FY 2000 is at 29.89%: for FY 2001 forward, fringe is at 30.75%.
3. The Department estimates current staffing (1 statewide coordinator, 4 regional coordinators, and .5 clerical), in addition to volunteers, will suffice for the life of the rule.

PRIVATE ENTITY COST

Enter rule number and rule name

9 CSR 45-5.040 Missouri Alliance for Individuals with Developmental Disabilities

Prepared December 22, 1999 by Department of Mental Health, Division of Mental Retardation and Developmental Disabilities

Affected Agencies: Department of Mental Health, Division of Mental Retardation and Developmental Disabilities

EXPENDITURES		FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Family and consumer volunteers	(cost of personal time)	9,760	20,008	20,521	21,047	21,587	22,140	22,708	23,290	23,887	24,500	25,128
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
Totals		9,760	20,008	20,521	21,047	21,587	22,140	22,708	23,290	23,887	24,500	25,128

EXPENDITURES	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
	25,772	26,433	27,094	27,771	28,465	29,177	29,907	30,654	31,421	32,206	33,011
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0
Totals	25,772	26,433	27,094	27,771	28,465	29,177	29,907	30,654	31,421	32,206	33,011

Total for life of the rule: 556,486

Assumptions:

1. Inflation of 2.5% per year is compounded for salaries and 3% for expenses.
2. Cost of personal time estimated at $80 per day x 1 day per visit x 2 volunteers per visit x 122 visits per year.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.451 Control of Emissions from Aluminum Foil Rolling. The commission proposes to amend subsections (3)(A) and (5)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment provides a more uniform and equitable application and enforcement of the rule.

(3) Emission Limits.

(A) Rolling Lubricants.

1. Cold rolling mill.

A. Rolling lubricants used on the cold mill shall consist of low vapor pressure lubricants composed of saturated oils and additives. For purposes of this subparagraph, low vapor pressure shall be defined as less than 1.0 mmHg at one hundred degrees Fahrenheit (100°F).

B. The initial *[and final]* boiling point*[s]* of the as-received oils shall be *[between]* three hundred eighty degrees Fahrenheit (380°F) *[and six hundred fifty degrees Fahrenheit (650°F)]* **or greater**.

C. The initial boiling point of the as-applied rolling lubricants shall be greater than three hundred eighty degrees Fahrenheit (380°F).

D. The inlet or as-applied rolling lubricant temperatures at each mill shall not exceed one hundred fifty-five degrees Fahrenheit (155°F) and such temperatures shall be monitored at all times that the mill is in operation.

2. Intermediate and finishing mills.

A. Rolling lubricants used on the intermediate and finish mills shall consist of low vapor pressure lubricants composed of saturated oils and additives. For purposes of this subparagraph*[s]*, low vapor pressure shall be defined as less than 1.0 mmHg at one hundred degrees Fahrenheit (100°F).

B. The initial *[and final]* boiling point*[s]* of the as-received oils shall be *[between]* three hundred thirty-five degrees Fahrenheit (335°F) *[and four hundred twenty-five degrees Fahrenheit (425°F)]* **or greater**.

C. The initial boiling point of the as-applied rolling lubricants shall be greater than three hundred degrees Fahrenheit (300°F).

D. The inlet or as-applied rolling lubricant temperatures at each mill shall not exceed one hundred sixty degrees Fahrenheit (160°F) and such temperatures shall be monitored at all times that the mill is in operation.

(5) Determination of Compliance.

(A) All incoming shipments of oil shall be sampled and a distillation range test shall be performed using Association of Standard Testing and Materials (ASTM) methods D86-*[73]* **95**, Standard Method for Distillation of Petroleum Products or other methods approved by the director. The results of such tests shall be used for compliance with subparagraph (3)(A)1.B. **of this rule** and subparagraph (3)(A)2.B. **of this rule.**

*AUTHORITY: section 643.050, RSMo [1994] **Supp. 1999**. Emergency rule filed March 15, 1995, effective March 25, 1995, expired July 11, 1995. Original rule filed March 15, 1995, effective Nov. 30, 1995. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m. on April 27, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 4, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

PURPOSE: The purpose of this rule is to reduce the emissions of nitrogen oxides (NO_x) and establish a NO_x emissions trading program for the state of Missouri. The reductions in NO_x emissions will reduce the transport of ozone and its precursors within the state of Missouri and to other states as required under the Clean Air Act.

(1) Applicability.

(A) This rule applies to any fossil fuel-fired electric generating unit that serves a generator with a nameplate capacity of greater than twenty-five megawatts (25MW).

(B) Exemptions.

1. Any unit under subsection (1)(A) of this rule with a federally enforceable operating permit that limits the unit's mass NO_x emissions to twenty-five (25) tons or less during the control period is exempt from the requirements of this rule.

2. The provisions of section (3) and section (5) of this rule shall not apply to any emergency standby generators, internal combustion engines and peaking combustion turbine units demonstrated to operate less than four hundred (400) hours per control period averaged over the three (3) most recent years of operation, which have installed and maintained in proper operation a non-resettable engine hour meter.

(C) Loss of Exemption. If the exemption limit in paragraph (1)(B)1. or (1)(B)2. is exceeded, the exemption shall be automatically and permanently withdrawn. The owner or operator must notify the department director within thirty (30) days if an exemption limit is exceeded.

(2) Definitions.

(A) Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(B) Account certificate of representation—The completed and signed submission for certifying the designation of a NO_x authorized account representative for an affected unit or a group of identified affected units who is authorized to represent the owners or operators of such unit or units and of the affected units at such source or sources with regard to matters under the NO_x trading program.

(C) Account number—The identification number given to each NO_x trading program account.

(D) Automated data acquisition and handling system—That component of the Continuous Emissions Monitoring System, or other emissions monitoring system approved for use by the department, designed to interpret and convert individual output signals from pollutant concentration monitors, and other component parts of the monitoring system to produce a continuous record of the measured parameters in the measurement units required in this rule.

(E) Boiler—An enclosed fossil or other fuel-fired combustion device used to produce heat and to transfer heat to recirculating water, steam, or other medium.

(F) Combined cycle system—A system comprised of one or more combustion turbines, heat recovery steam generators, and steam turbines configured to improve overall efficiency of electricity generation or steam production.

(G) Combustion turbine—An enclosed fossil or other fuel-fired device that is comprised of a compressor, a combustor, and a turbine, and in which the flue gas resulting from the combustion of fuel in the combustor passes through the turbine, rotating the turbine.

(H) Common stack—A single flue through which emissions from two (2) or more NO_x units are exhausted.

(I) Compliance account—A NO_x allowance tracking system account, established for an affected unit, in which the NO_x allowance allocations for the unit are initially recorded and in which are held NO_x allowances available for use by the unit for a control period for the purpose of meeting the unit's NO_x emission limitation.

(J) Continuous emissions monitoring system (CEMS)—The equipment required by this rule to sample, analyze, measure, and provide, by readings taken at least once every fifteen (15) minutes of the measured parameters, a permanent record of NO_x emissions, expressed in tons per hour for NO_x.

(K) Control period—The period beginning May 1 of a calendar year and ending on September 30 of the same calendar year.

(L) Early reduction credit (ERC)—NO_x emission reductions in the years 2000, 2001, and 2002 that are below those required for the control period starting in 2003. Early reduction credits will only be available for use during the years of 2003 and 2004.

(M) Electric generating unit (EGU)—Any fossil fuel-fired boiler or turbine that serves an electrical generator with the potential to use more than fifty percent (50%) of the usable energy from the boiler or turbine to generate electricity.

(N) Emergency standby generator—A generator operated only during times of loss of primary power at the facility that is beyond the control of the owner or operator of the facility or during routine maintenance.

(O) Fossil fuel—Natural gas, petroleum, coal, or any form of solid, liquid or gaseous fuel derived from such material.

(P) Fossil fuel-fired—With regard to a unit, the combustion of fossil fuel, alone or in combination with any other fuel, where fossil fuel is projected to comprise more than fifty percent (50%) of the annual heat input.

(Q) Generator—A device that produces electricity.

(R) Heat input—The product (expressed as million British thermal units per hour) of the gross calorific value of the fuel (expressed as British thermal units per pound) and the fuel feed rate into a combustion device (expressed as pounds per hour), as measured, recorded and reported to the department by the NO_x authorized account representative and as determined by the director in accordance with this rule and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust from other sources.

(S) Nameplate capacity—The maximum electrical generating output (expressed as megawatt) that a generator can sustain over a specified period of time when not restricted by seasonal or other deratings, as listed in the National Allowance Data Base (NADB) under the data field "NAMECAP" if the generator is listed in the NADB or as measured in accordance with the United States Department of Energy standards.

(T) NO_x allowance—An authorization by the department under the NO_x trading program to emit up to one (1) ton of NO_x during the control period of the specified year or of any year thereafter.

(U) NO_x allowance tracking system—The system by which the director records allocations, deductions and transfers of NO_x allowances under the NO_x trading program.

(V) NO_x allowance transfer deadline—Close of business on December 31 following the control period or, if December 31 is not a business day, close of business on the first business day thereafter and is the deadline by which NO_x allowances may be submitted for recording in an affected unit's compliance account, or the overdraft account of the installation where the unit is located.

(W) NO_x authorized account representative—The person who is authorized by the owners or operators of the unit to represent and legally bind each owner and operator in matters pertaining to the NO_x trading program.

(X) NO_x emissions limitation—For an affected unit, the tonnage equivalent of the NO_x emissions rate available for compliance deduction for the unit and for a control period adjusted by any deductions of such NO_x allowances to account for actual utilization for the control period or to an account for excess emissions for a prior control period or to account for withdrawal from the NO_x trading program or for a change in regulatory status for an affected unit.

(Y) NO_x opt-in unit—A unit whose owner or operator has requested to become an affected unit under the NO_x trading program and has been approved by the department.

(Z) NO_x unit—Any fossil fuel-fired stationary boiler, combustion turbine, internal combustion engine or combined cycle system.

(AA) Opt-in—To voluntarily become an affected unit under the NO_x trading program.

(BB) Overdraft account—The NO_x allowance tracking system account established by the director for each NO_x authorized account representative with two (2) or more affected units.

(CC) Serial number—When referring to NO_x allowances, the unique identification number assigned to each NO_x allowance.

(DD) Unit load—The total output of a unit in any control period produced by combusting a given heat input of fuel expressed in terms of the total electrical generation (expressed as megawatt) produced by the unit including generation for use within the plant, and/or in the case of a unit that uses heat input for purposes other than electrical generation, the total steam pressure (psia) produced by the unit, including steam for use by the unit.

(EE) Unit operating day—A calendar day in which a unit combusts any fuel.

(FF) Unit operating hour or hour of unit operation—Any hour or fraction of an hour during which a unit combusts fuel.

(GG) Utilization—The heat input (expressed as million British thermal units per hour) for a unit.

(3) General Provisions.

(A) NO_x Emissions Limitations. Beginning May 1, 2003, the following NO_x emission rates shall apply:

1. EGUs located in the City of St. Louis and the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid,

Oregon, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington and Wayne, shall limit emissions of NO_x to the more stringent of a rate of 0.25 lbs. NO_x/million British thermal units per hour (mmBtu) of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

2. EGUs located in any county not identified in paragraph (3)(A)1. of this rule shall limit emissions of NO_x to the more stringent of a rate of 0.35 lbs. NO_x/mmBtu of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

3. In lieu of complying with the applicable emission limitations in paragraph (3)(A)1. or (3)(A)2. of this rule, any affected unit may comply through the NO_x emissions trading program under subsection (3)(B) of this rule.

(B) NO_x Emissions Trading Program.

1. NO_x authorized account representative. The NO_x authorized account representative shall have the responsibilities and meet the requirements identified in this subsection.

A. Each affected unit shall have only one NO_x authorized account representative with respect to all matters under the NO_x trading program. Each affected unit may have only one alternate NO_x authorized account representative who may act on behalf of the NO_x authorized account representative.

B. A NO_x authorized account representative may be responsible for multiple units at an installation or within a system of installations with the same owner.

C. The department will act on a valid submission made on behalf of owners or operators of an affected unit or an affected unit only if the submission has been made, signed and certified by the NO_x authorized account representative or the alternate NO_x authorized account representative.

D. Each unit must submit an account certificate of representation no later than January 1, 2003 or December 31 of the year in which the rule becomes applicable for units installed after January 1, 2003.

2. NO_x allowance tracking system.

A. NO_x Allowance Tracking System accounts. The department will establish one compliance account for each NO_x unit and one overdraft account for each NO_x authorized account representative with one or more NO_x units. Allocations of NO_x allowances pursuant to paragraphs (3)(B)3. or (3)(B)10. of this rule and deductions or transfers of NO_x allowances pursuant to paragraphs (3)(B)3., (3)(B)7., (3)(B)9., or (3)(B)10. of this rule will be recorded in the compliance accounts or overdraft accounts.

B. Establishment of accounts.

(I) Compliance accounts and overdraft accounts. Upon receipt of a complete account certificate of representation, the department will establish—

(a) A compliance account for each affected NO_x unit for which the account certificate of representation was submitted; and

(b) An overdraft account for each NO_x authorized account representative for which the account certificate of representation was submitted.

(II) Account identification. The department will assign a unique identifying number to each compliance account and each overdraft account.

C. Recording of NO_x allowance allocations.

(I) The department will record the NO_x allowances for the 2003 control period in the NO_x units' compliance accounts.

(II) Serial numbers for allocated NO_x allowances. The department will assign each NO_x allowance a unique identification number that will include digits identifying the year for which the NO_x allowance is allocated.

3. NO_x allowances.

A. Projected NO_x allowances.

(I) By March 1, 2003, the NO_x authorized account representative for each affected unit shall submit to the department a report containing the following:

(a) The projected control period NO_x emission rate for each affected unit;

(b) The average of the three (3) most recent control period heat inputs, unless those three (3) periods are not representative of normal operation; and

(c) A plan identifying the methodology for compliance with subsection (3)(A) of this rule.

(II) The department will review each report and make any amendments within fifteen (15) working days.

(III) The department will develop a summary of projected NO_x allowances on a unit by unit and statewide basis for distribution on or before May 1 of each year using Equation 1 of this rule.

Equation 1:

$$HI_p \times ER_p = NO_xAL_p$$

where:

HI_p = the projected control period heat input for each NO_x unit;

ER_p = the projected control period emission rate for each NO_x unit; and

NO_xAL_p = the projected NO_x allowance for each NO_x unit.

B. Control period NO_x allowances.

(I) By October 31 following each control period, each NO_x authorized account representative shall submit to the department the actual total control period heat input and actual average emission rate in a compliance report consistent with requirements of section (4) of this rule for each affected NO_x unit.

(II) By November 15 following each control period, the department will issue a notice to each NO_x authorized account representative of the actual NO_x allowances for each affected NO_x unit using Equation 2 of this rule.

Equation 2:

$$HI_a \times ER_r = NO_xAL_a$$

where:

HI_a = the actual control period heat input for each NO_x unit;

ER_r = the allowable control period emission rate for each NO_x unit as determined in paragraph (3)(A)1. or (3)(A)2. of this rule; and

NO_xAL_a = the actual NO_x allowance for each unit for the control period.

4. Compliance. By the end of the NO_x allowance transfer deadline, each NO_x unit shall have sufficient NO_x allowances in their compliance account to allow for the deductions in subparagraph (3)(B)4.B. of this rule.

A. NO_x allowance transfer deadline. The NO_x allowances are available to be deducted for compliance with a unit's NO_x emissions limitation for a control period in a given year only if the NO_x allowances—

(I) Were allocated for a control period in a prior year or the same year; and

(II) Are held in the unit's compliance account or the unit's overdraft account as of the NO_x allowance transfer deadline for that control period.

B. Deductions for compliance.

(I) The director will deduct NO_x allowances to cover the unit's NO_x emissions for the control period—

(a) From the compliance account; and

(b) Only if no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the compliance account, from the overdraft account. In deducting allowances for units from the overdraft account, the director will begin with the unit having the compliance account with the lowest NO_x allowance tracking system account number and end with the unit having the compliance account with the highest NO_x allowance tracking system account number.

(II) The director will deduct NO_x allowances until the number of NO_x allowances deducted for the control period equals the number of tons of NO_x emissions, determined in accordance with part (3)(B)4.B.(III) of this rule, from the unit for the control period for which compliance is being determined; or until no more NO_x allowances available under subparagraph (3)(B)4.A. of this rule remain in the respective account.

(III) For a NO_x unit that is allocated NO_x allowances under part (3)(B)3.B.(II) of this rule for a control period, the department will deduct NO_x allowances under subparagraph (3)(B)4.B. or (3)(B)4.E. to account for the actual utilization of the unit during the control period. The department will calculate the number of NO_x allowances to be deducted to account for the unit's actual utilization using Equation 3 of this rule.

Equation 3:

$$HI_a \times ER_a = NO_xAL_a$$

where:

HI_a = the actual control period heat input for each NO_x unit;

ER_a = the actual control period emission rate for each NO_x unit; and

NO_xAL_a = the number of NO_x allowances that will be deducted from each NO_x unit's compliance account.

C. Identification of NO_x allowances by serial number.

(I) The department may identify by serial number the NO_x allowances to be deducted from the unit's compliance account under subparagraph (3)(B)4.B., (3)(B)4.D., or (3)(B)4.E. of this rule. Such identification will be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) First-in, first-out (FIFO). The director will deduct NO_x allowances for a control period from the compliance account, in the absence of an identification or in the case of a partial identification of NO_x allowances by serial number under part (3)(B)9.C.(I) of this rule, or the overdraft account on a FIFO accounting basis in the following order:

(a) Those NO_x allowances that were allocated for the control period to the unit under part (3)(B)3.B.(II) of this rule;

(b) Those NO_x allowances that were allocated for the control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording;

(c) Those NO_x allowances that were allocated for a prior control period to the unit under part (3)(B)3.B.(II) of this rule; and

(d) Those NO_x allowances that were allocated for a prior control period to any unit and transferred and recorded in the account pursuant to paragraphs (3)(B)7. and (3)(B)8. of this rule, in order of their date of recording.

D. Deductions for units sharing a common stack. In the case of units sharing a common stack and having emissions that are not separately monitored or apportioned in accordance with section (4) of this rule—

(I) The NO_x authorized account representative of the units shall identify the percentage of NO_x allowances to be deducted from each such unit's compliance account to cover the unit's share of NO_x emissions from the common stack for a control period. Such identification shall be made in the compliance certification report submitted in accordance with paragraph (4)(A)1. of this rule.

(II) Notwithstanding part (3)(B)4.B.(II) of this rule, the director will deduct NO_x allowances for each unit until the number of NO_x allowances deducted equals the unit's identified percentage (under part (3)(B)4.D.(I) of this rule) of the number of tons of NO_x emissions, as determined in accordance with section (4) of this rule, from the common stack for the control period for which compliance is being determined or, if no percentage is identified, an equal percentage for each unit, plus the number of allowances required for deduction to account for actual utilization under subparagraph (4)(A)1.G. of this rule for the control period.

E. The director will record in the appropriate compliance account or overdraft account all deductions from such an account pursuant to subparagraphs (3)(B)4.B. and (3)(B)4.D. of this rule.

5. Banking.

A. NO_x allowances may be banked for future use or transfer into a compliance account or an overdraft account, as follows:

(I) Any NO_x allowance that is held in a compliance account or an overdraft account, will remain in such account until the NO_x allowance is deducted or transferred under paragraphs (3)(B)4., (3)(B)5., (3)(B)6., or (3)(B)7. of this rule.

(II) The director will designate, as a banked NO_x allowance, any NO_x allowance that remains in a compliance account or an overdraft account after the director has made all deductions for a given control period from the compliance account or overdraft account pursuant to paragraph (3)(B)4. of this rule.

B. Each year, starting in 2004, after the director has completed the designation of banked NO_x allowances under part (3)(B)5.A.(II) of this rule and before May 1 of the year, the department will determine the extent to which banked NO_x allowances may be used for compliance in the control period for the current year, as follows:

(I) The director will determine the total number of banked NO_x allowances held in compliance accounts or overdraft accounts;

(II) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, to be held in compliance accounts or overdraft accounts is less than or equal to ten percent (10%) of the sum of the NO_x trading program allocations for the previous control period, any banked NO_x allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule.

(III) If the total number of banked NO_x allowances determined, under part (3)(B)5.B.(I) of this rule, and held in compliance accounts or overdraft accounts exceeds ten percent (10%) of the sum of the state trading program allocations for the previous control period, any banked allowance may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except as follows:

(a) The director will determine the adjustment factor using Equation 4 of this rule.

Equation 4:

$$AF = \frac{0.1 \times \sum NO_xAL_a}{\sum NO_xAL_b}$$

where:

AL = the adjustment factor;

$\sum NO_xAL_a$ = the sum of the statewide NO_x allowance allocated for the previous control period; and

$\sum NO_xAL_b$ = the sum of the banked NO_x allowances as determined under part (3)(B)5.B.(I) of this rule on January 1 of the current year;

(b) The director will determine the number of banked NO_x allowances in the account that may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule using Equation 5 of this rule. Any banked NO_x allowances in excess of the product of Equation 5 may be deducted for compliance in accordance with paragraph (3)(B)4. of this rule, except that, if such NO_x allowances are used to make a deduction, two (2) such NO_x allowances must be deducted for each deduction of one (1) NO_x allowance required under paragraph (3)(B)4. of this rule.

Equation 5:

$$AF \times NO_xAL_b$$

where:

AF = is the adjustment factor calculated in Equation 4; and

NO_xAL_b = is the number of NO_x allowances in a NO_x unit's account;

(IV) Geographic flow control.

(a) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraph (3)(A)1. of this rule is applicable to the control region for which paragraph (3)(A)2. of this rule is applicable on a one to one (1:1) basis.

(b) Banked NO_x allowances made available for use in parts (3)(B)5.B.(II) and (3)(B)5.B.(III) of this rule may be traded from the control region for which paragraph (3)(A)2. of this rule is applicable to the control region for which paragraph (3)(A)1. of this rule is applicable on a one and one-half to one (1.5:1) basis.

C. Early Reductions. For any affected NO_x unit that reduces its NO_x emission rate in the 2000, 2001 or 2002 control period, the owner or operator of the unit may request early reduction allowances, and the department will allocate ER_cs by January 31 of each year to the unit in accordance with the following requirements.

(I) Each NO_x unit for which the owner or operator requests any early reduction credits under part (3)(B)5.C.(IV) of this rule shall monitor NO_x emissions in accordance with section (4) of this rule for each control period for which such early reduction credits are requested. The unit's monitoring system availability shall be not less than ninety percent (90%) during the control period, and the unit must not have been found to be in violation of any applicable state or federal emissions or emissions-related requirements.

(II) NO_x emission rate and heat input under parts (3)(B)5.C.(III) through (3)(B)5.C.(V) of this rule shall be determined in accordance with section (4) of this rule.

(III) Each NO_x unit for which the owner or operator requests any early reduction credits under part (3)(B)5.C.(IV) of this rule shall reduce its NO_x emission rate, for each control period for which early reduction credits are requested, to less than the applicable requirement of paragraph (3)(A)1. or (3)(A)2. of this rule.

(IV) The NO_x authorized account representative of a NO_x unit that meets the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule may submit to the department a request for early reduction credits for the unit based on NO_x emission rate reductions made by the unit in the control period for 2000, 2001 or 2002 in accordance with part (3)(B)5.C.(III) of this rule.

(a) In the early reduction credit request, the NOx authorized account representative may request early reduction credits for such control period using Equation 6 of this rule.

Equation 6:

$$ER_c = HI_a \times (NO_xER_r - NO_xER_a) \div 2000$$

where:

ER_c = the early reduction credits accrued rounded to the nearest ton of NO_x;

HI_a = the actual control period heat input for each NO_x unit.

NO_xER_r = the regulated NO_x emission rate as identified in paragraph (3)(A)1. or (3)(A)2. of this rule; and

NO_xER_a = the actual control period emission rate for each NO_x unit.

(b) The early reduction credit request must be submitted, in a format specified by the department, by October 31 of the year in which the NO_x emission rate reductions are made.

(V) The department will allocate NO_x allowances no later than January 31 to NO_x units meeting the requirements of parts (3)(B)5.C.(I) and (3)(B)5.C.(III) of this rule and covered by early reduction requests meeting the requirements of subpart (3)(B)5.C.(IV)(b) of this rule.

(VI) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule may be deducted for compliance under paragraph (3)(B)3. of this rule for the control periods in 2003 or 2004. Notwithstanding subparagraph (3)(B)5.A. of this rule, the director will deduct as retired any NO_x allowance that is recorded under part (3)(B)5.C.(V) of this rule and is not deducted for compliance in accordance with paragraph (3)(B)3. of this rule for the control period in 2003 or 2004.

(VII) NO_x allowances recorded under part (3)(B)5.C.(V) of this rule are not treated as banked allowances in 2004 for the purposes of subparagraphs (3)(B)5.A. and (3)(B)5.B. of this rule.

(VIII) Compliance set-aside account.

(a) The department will establish a compliance set-aside account, which will contain fifty percent (50%) of the early reduction credits that are issued in accordance with part (3)(B)5.C.(II) of this rule.

(b) Early reduction credits will be sold from the compliance set-aside pool by the department in the order of request to NO_x authorized account representatives requesting such credits.

(c) A NO_x authorized account representative may request early reduction credits from the compliance set-aside account by submitting a report containing the following on or before October 31, 2003 and 2004 for the 2003 and 2004 control periods, respectively:

I. The owner and operator;

II. The NO_x authorized account representative;

III. The NO_x unit identification number and name;

IV. The projected control period heat input and projected control period emission rate;

V. The number of ER_cs being requested; and

VI. The overdraft or compliance account number.

(d) The department shall set the market rate for early reduction credits on January 1 of each year and shall review the rate quarterly. Market rate shall be established based on the following in the order listed:

I. The average rate of exchange of NO_x credits for the most recent quarter; and

II. The most recent control cost data available.

(e) Proceeds from the sale of early reduction credits will be distributed to the owner of units issued ER_cs under part (3)(B)5.C.(V) of this rule by percentage of issuance.

(f) Any ER_c allowances remaining in the compliance set-aside account after October 31, 2004, will be returned to the unit that generated the early reduction credits.

6. Account error. The director may correct any error in any NO_x allowance tracking system account. Within ten (10) business days of making such correction, the director will notify the NO_x authorized account representative for the account.

7. NO_x allowance transfers. The NO_x authorized account representatives seeking the recording of a NO_x allowance transfer shall submit the transfer request to the director. To be considered

correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the director:

A. The numbers identifying both the transferor and transferee accounts;

B. A specification by serial number of each NO_x allowance to be transferred; and

C. The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

8. Department recording.

A. Within five (5) business days of receiving a NO_x allowance transfer, except as provided in subparagraph (3)(B)9.B. of this rule, the department will record a NO_x allowance transfer by moving each NO_x allowance from the transferor account to the transferee account as specified by the request, provided that—

(I) The transfer is correctly submitted under paragraph (3)(B)8. of this rule;

(II) The transferor account includes each NO_x allowance identified by serial number in the transfer; and

(III) The transfer meets all other requirements of this paragraph.

B. A NO_x allowance transfer that is submitted for recording following the NO_x allowance transfer deadline and that includes any NO_x allowances allocated for a control period prior to or the same as the control period to which the NO_x allowance transfer deadline applies will not be recorded until after completion of the process of recording of NO_x allowance allocations of this rule.

C. Where a NO_x allowance transfer submitted for recording fails to meet the requirements of subparagraph (3)(B)9.A. of this rule, the department will not record such transfer.

9. Notification.

A. Notification of recording. Within five (5) business days of recording of a NO_x allowance transfer under paragraph (3)(B)8. of this rule, the department will notify each NO_x authorized account representative of the transfer in writing.

B. Notification of nonrecording. Within ten (10) business days of receipt of a NO_x allowance transfer that fails to meet the requirements of paragraph (3)(B)7. of this rule, the department will notify in writing the NO_x authorized account representatives of both accounts subject to the transfer of—

(I) A decision not to record the transfer; and

(II) The reasons for such nonrecording.

10. Individual EGU opt-ins. An EGU that is not an affected unit under subsection (1)(A) of this rule that vents all of its emissions to a stack may qualify to become a NO_x opt-in unit under this paragraph of this rule. A NO_x opt-in unit will not be allowed to participate in the NO_x trading program without prior approval.

A. A NO_x opt-in unit shall have a NO_x authorized account representative.

B. Request for initial NO_x opt-in. In order to request to opt-in to the trading program, the NO_x authorized account representative of the unit must submit to the department at any time the following:

(I) The projected NO_x emission rate for each affected unit;

(II) The average of the three (3) most recent years heat input on a monthly basis over the control period for each affected unit; and

(III) A plan detailing the methodology for compliance with subsection (3)(A) of this rule.

C. The department will review the request and respond within ninety (90) days of the date of receipt of the request.

D. Request for opting-in to the NO_x trading program must be received by the department no later than February 1 of the same year as the control period that the NO_x opt-in unit requests to begin participation in the NO_x trading program.

E. After calculating the baseline heat input and the baseline NO_x emissions rate for the unit, the department will notify the NO_x authorized account representative of the unit of the resulting baseline.

F. If at any time before the approval of a NO_x opt-in unit, the department determines that the unit does not qualify as a NO_x opt-in unit under this paragraph, the department will issue a denial of the NO_x opt-in request for the unit.

G. Withdrawal of NO_x opt-in request. A NO_x authorized account representative of a unit may withdraw its request to opt-in at any time prior to the approval for the NO_x opt-in unit. Once the request for a NO_x opt-in unit is withdrawn, a NO_x authorized account representative seeking to reapply must submit a new request for a NO_x opt-in unit under this subsection.

H. Effective date. The effective date of the initial NO_x opt-in shall be May 1 of the first control period starting after the approval of the NO_x opt-in unit by the department. The unit shall be a NO_x opt-in unit and an affected NO_x unit as of the effective date of the approval and be subject to the requirements of this rule.

I. Change in regulatory status. When a NO_x opt-in unit becomes an affected unit, the NO_x authorized account representative shall notify the department in writing of such change in the NO_x opt-in unit's regulatory status within thirty (30) days of such change.

J. Withdrawal from NO_x trading program. A NO_x opt-in unit may withdraw from the NO_x trading program if it meets the following requirements:

(I) To withdraw from the NO_x trading program, the NO_x authorized account representative of a NO_x opt-in unit shall submit to the department a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than ninety (90) days prior to the requested effective date of withdrawal.

(II) Before a NO_x opt-in unit may withdraw from the NO_x trading program, the following conditions must be met.

(a) For the control period immediately before the withdrawal is to be effective, the NO_x authorized account representative must submit or must have submitted to the department an annual compliance certification report.

(b) If the NO_x opt-in unit has excess emissions for the control period immediately before the withdrawal is to be effective, the department will deduct from the NO_x opt-in unit's compliance account, or the overdraft account of the affected unit where the affected unit is located, the full amount required for the control period.

(III) A NO_x opt-in unit that withdraws from the NO_x trading program shall comply with all requirements under the NO_x trading program concerning all years for which such NO_x opt-in unit was a NO_x opt-in unit, even if such requirements must be complied with after the withdrawal takes effect.

(IV) Notification procedures shall be as follows:

(a) After the requirements for withdrawal under this paragraph have been met, the department will issue a notification to the NO_x authorized account representative of the NO_x opt-in unit of the acceptance of the withdrawal of the NO_x opt-in unit as of a specified effective date that is after such requirements have been met and that is prior to May 1 or after September 30.

(b) If the requirements for withdrawal under this paragraph have not been met, the department will issue a notification to the NO_x authorized account representative of the NO_x opt-in unit that the NO_x opt-in unit's request to withdraw is denied. If the NO_x opt-in unit's request to withdraw is denied, the NO_x opt-in unit shall remain subject to the requirements for a NO_x opt-in unit.

(V) A NO_x opt-in unit shall continue to be a NO_x opt-in unit until the effective date of the withdrawal.

(VI) Once a NO_x opt-in unit withdraws from the NO_x trading program, the NO_x authorized account representative may not submit another application for the NO_x opt-in unit prior to the

date that is four years after the date on which the withdrawal became effective.

11. Output Based Emissions Trading of NO_x. *(Reserved)*

(4) Reporting and Record Keeping.

(A) Reporting.

1. A compliance certification report for each affected unit shall be submitted to the department by October 31 following each control period. The report shall include:

A. The owner and operator;

B. The NO_x authorized account representative;

C. NO_x unit name, compliance and overdraft account numbers;

D. NO_x emission rate limitation (lb/mmBtu);

E. Actual NO_x emission rate (lb/mmBtu) for the control period;

F. Actual heat input (mmBtu) for the control period. The unit's total heat input for the control period in each year will be determined in accordance 40 CFR part 75 if the NO_x unit was otherwise subject to the requirements of 40 CFR part 75 for the year, or will be based on the best available data reported to the department for the unit if the unit was not otherwise subject to the requirements of 40 CFR part 75 for that year; and

G. Actual NO_x mass emissions (tons) for the control period.

2. Reporting shall be based on the test methods identified in section (5) of this rule. Any unit with valid CEMS data for the control period must use that data to determine compliance with the provisions of this rule. The owner or operator for each affected unit which performs non-CEMS testing to demonstrate compliance of a unit subject to section (3) of this rule shall submit:

A. A control period report identifying monthly fuel usage and monthly total heat input by December 31 of the same year as the control period; and

B. A written report of all stack tests completed after controls are effective to the department within sixty (60) days after completion of sample and data collection.

(B) Record Keeping.

1. Each owner or operator of an affected unit subject to section (3) of this rule shall maintain records of the following:

A. Total fuel consumed during the control period;

B. The total heat input for each emissions unit during the control period;

C. Reports of all stack testing conducted to meet the requirements of this rule;

D. All other data collected by a CEMS necessary to convert the monitoring data to the units of the applicable emission limitation;

E. All performance evaluations conducted in the past year;

F. All monitoring device calibration checks;

G. All monitoring system, monitoring device and performance testing measurements;

H. Records of adjustments and maintenance performed on monitoring systems and devices; and

I. A log identifying each period during which the CEMS or alternate procedure was inoperative, except for zero and span checks, and the nature of the repairs and adjustments performed to make the system operative.

2. All records must be kept on-site for a period of five (5) years and made available to the department upon request.

(5) Test Methods. For units subject to section (3) of this rule, an owner or operator of an affected unit shall install, calibrate, maintain and operate a CEMS or use an alternate procedure for measuring or estimating NO_x emissions approved by the department and the U.S. Environmental Protection Agency. For units operating CEMS or an alternate procedure for estimating NO_x emissions, the following requirements shall apply:

(A) Compliance shall be measured during the control period;

(B) All valid data shall be used for calculating NO_x emissions rates;

(C) The procedures under 40 CFR 60.13(d), (e) and (f) and 40 CFR part 60 Appendix B, Performance Specification 2 shall be followed or other procedures approved by the director; for the installation, evaluation and operation of CEMS;

(D) Quarterly accuracy and daily calibration drift tests shall be performed in accordance with 40 CFR part 60 Appendix F, or other tests approved by the director;

(E) CEMS installed, certified and operated in accordance with 40 CFR part 75 are deemed to be approved by the department to meet the monitoring and quality assurance requirements of this subsection; and

(F) If a CEMS is not applicable, an alternate procedure listed in 40 CFR part 75 Appendix E shall be performed every three thousand (3,000) operating hours or every five (5) years whichever is more frequent. Identical units may use procedures identified in 40 CFR part 75.19 for purposes of testing.

AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Feb. 15, 2000.

PUBLIC COST: The proposed rule will cost $1,245,575 in FY2001. The aggregate cost is estimated to be $15,735,619 for the life of the rule. Note the attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed rule will cost $42,276,690 in FY2001. The proposed rule is estimated to cost private entities $450,299,424 in the aggregate for the life of the rule. Note the attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., April 27, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., May 4, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Columbia	$ 318,589
City of Springfield	$ 4,500,383
City of Independence	$ 773,860
City of Sikeston	$ 7,217,395
City of Moberly	$ 75,000
Chillicothe Municipal Utilities	$ 600,000
City of Mexico	$ 75,000
MDNR Air Pollution Control Program	$ 2,175,392
Total	$15,735,619

III. WORKSHEET

The public entity costs are divided into the following categories:

1. public entities required to implement emissions controls,
2. public entities electing to meet exemption requirements in lieu of controls, and
3. additional staff requirements.

1. Costs for public entities required to implement emissions controls

Table 1
Fiscal Impact on Publicly Owned NO_x Budget Units Affected by Proposed Rule 10 CSR 10-6.350

System	NO_x Emission Reductions	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
City of Columbia	33	$ 22,144	$ 22,144	$ 22,144	$ 22,144	$ 22,144	$ 22,144
City of Springfield	574	$ 381,853	$ 381,853	$ 381,853	$ 381,853	$ 381,853	$ 381,853
City of Independence	106	$ 70,351	$ 70,351	$ 70,351	$ 70,351	$ 70,351	$ 70,351
City of Sikeston	986	$ 656,127	$ 656,127	$ 656,127	$ 656,127	$ 656,127	$ 656,127
Total	1,699	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$1,130,475
		FY2007	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Aggregate Cost**
City of Columbia		$ 22,144	$ 22,144	$ 22,144	$ 22,144	$ 22,144	$ 243,589
City of Springfield		$ 381,853	$ 381,853	$ 381,853	$ 381,853	$ 381,853	$ 4,200,383
City of Independence		$ 70,351	$ 70,351	$ 70,351	$ 70,351	$ 70,351	$ 773,860
City of Sikeston		$ 656,127	$ 656,127	$ 656,127	$ 656,127	$ 656,127	$ 7,217,395
Total		$1,130,475	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$12,435,227

2. Costs for public entities electing to meet exemption requirements in lieu of controls

Table 2
Units Expected to Comply with 25 Ton Per Control Period Exemption

System	Plant	Generating Capacity	2003 NO_x Emissions
City of Mexico	MEXICO	60.7	22.36
City of Columbia	COLUMBIA	35	1.36
City of Springfield	JAMES RIVER	70	22.69
City of Springfield	JAMES RIVER	70	23.54
City of Springfield	SOUTHWEST	44	5.21
City of Springfield	SOUTHWEST	44	5.28
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	5.30
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	5.30
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.09
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.03
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	2.05
City of Chillicothe	CHILLICOTHE MUNICIPAL UTILITIES	46.5	0.04
City of Moberly	MOBERLY	60.6	24.46
	Total		117.80

Annual cost per unit to comply with twenty-five (25) ton per control period exemption is $7,500 per year.
Total number of units expected to comply with twenty-five (25) ton per control period exemption is fifteen (15).
Fifteen (15) units at $7,500 per unit per year = $112,500 per year for all units. Compliance will occur annually beginning in FY 2002

3. Additional staff

Missouri Department of Natural Resources
Air Pollution Control Program (APCP) 3.0 FTE

One FTE is expected to be classified as Environmental Engineer I/II (EEI/II).
One FTE will be classified as Environmental Engineer III (EEIII).
One FTE will be classified as a Planner I/II.
The Planner I/II will be employed in the Administration Section of the APCP and the duties will begin in FY2001.
The EE III will be employed in the Permitting Section of the APCP. APCP Permitting Section duties will begin in FY2001.
One EEI/II will be employed in the Enforcement Section of the APCP. Enforcement Section duties will begin in FY2002.

Table 3
MDNR Staff Costs

	FY2001			FY2002			FY2003		
	Planner I/II	EE I/II	EE III	Planner I/II	EE I/II	EE III	Planner I/II	EE I/II	EE III
Salary	$34,992	$0	$57,034	$36,392	$47,737	$59,315	$37,847	$49,647	$61,688
Equipment (PC)	$ 4,944	$0	$ 4,944	$ 4,944	$ 4,944	$ 4,944	$ 4,944	$ 4,944	$ 4,944
Travel & Expense	n/a	$0	$ 2,400	n/a	$ 2,400	$ 2,400	n/a	$ 2,400	$ 2,400
Office Expense	$ 1,070	$0	$ 1,070	$ 1,070	$ 1,070	$ 1,070	$ 1,070	$ 1,070	$ 1,070
Communication Expense	$ 900	$0	$ 900	$ 900	$ 900	$ 900	$ 900	$ 900	$ 900
Inst. & Psych. Plant Expense	$ 2,440	$0	$ 2,440	$ 2,440	$ 2,440	$ 2,440	$ 2,440	$ 2,440	$ 2,440
Inst. & Psych. Plant Equipment	$ 170	$0	$ 170	$ 170	$ 170	$ 170	$ 170	$ 170	$ 170
Data Processing Expense	$ 173	$0	$ 173	$ 173	$ 173	$ 173	$ 173	$ 173	$ 173
Professional Services	n/a	$0	$ 256	n/a	$ 256	$ 256	n/a	$ 256	$ 256
Other Expense	$ 512	$0	$ 512	$ 512	$ 512	$ 512	$ 512	$ 512	$ 512
Total	$45,201	$0	$69,899	$46,601	$60,602	$72,180	$48,056	$62,512	$74,553

	FY2001		FY2002		FY2003*	
	# of FTEs	Cost	# of FTEs	Cost	# of FTEs	Cost
Planner I/II	1	$ 45,201	1	$ 46,601	1	$ 48,056
EE I/II	0	$0	1	$60,602	1	$62,512
EE III	1	$ 69,899	1	$ 72,180	1	$ 74,553
Total	2	$115,110	3	$179,383	3	$185,121

* These positions will exist for the life of the rule and the salaries are expected to increase four percent (4%) annually.

Table 4
Aggregate Cost

	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
MDNR Costs	$ 115,100	$ 179,383	$ 185,121	$ 191,088	$ 197,055	$ 203,023
Costs from Table 1	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$ 1,130,475	$ 1,130,475
Costs from Table 2	$ 0	$ 112,500	$ 112,500	$ 112,500	$ 112,500	$ 112,500
Total	$1,245,575	$1,422,358	$1,428,096	$1,434,063	$ 1,440,030	$ 1,445,998
	FY2007	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Aggregate**
MDNR Costs	$ 208,990	$ 214,957	$ 220,924	$ 226,892	$ 232,859	$ 2,175,392
Costs from Table 1	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$1,130,475	$12,435,225
Costs from Table 2	$ 112,500	$ 112,500	$ 112,500	$ 112,500	$ 112,500	$ 1,125,000
Total	$1,451,965	$1,457,932	$1,463,899	$1,469,867	$1,475,834	$15,735,619

IV. ASSUMPTIONS

1. The rule lifetime is assumed to be ten (10) years.

2. The date on which affected electric generating unit (EGU) must be in compliance with this regulation is May 1, 2003.

3. NO_x reductions are only required during the control period, which is May 1 through September 30.

4. Potential controls on which costs are based for EGUs include selective catalytic reduction.

5. Salaries are assumed to increase four percent (4%) annually.

6. For Table 1, assuming a ten (10) year depreciation rate and a fifteen percent (15%) interest rate. Monitoring, record keeping and reporting costs are assumed to be twenty percent (20%) of the capital cost. Capital costs are assumed to be equal to $1,667 per ton of NO_x reduced.

7. All cost savings from Early Reduction Credits are included in the private entity fiscal note.

8. Estimated cost of compliance in the aggregate includes salary costs for the fiscal years of 2001-2011.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6- Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 10-6.350 Emissions Limitations and Emissions Trading of Oxides of Nitrogen

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the Proposed Rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
6	Electricity Generating Facilities	$450,299,424

III. WORKSHEET

Table 1: Fiscal Impact NO_x Budget Units Affected by Proposed Rule 10 CSR 10-6.350

	Total emission reductions	**FY2001**	**FY2002**	**FY2003**	**FY2004**	**FY2005**	**FY2006**
AECI	18,005	$11,983,341	$11,983,341	$11,983,341	$11,983,341	$11,983,341	$11,983,341
Ameren U.E.	8,475	$22,000,000	$22,000,000	$22,000,000	$22,000,000	$22,000,000	$22,000,000
Empire Energy Center	1,757	$ 4,007,878	$ 4,007,878	$ 4,007,878	$ 4,007,878	$ 4,007,878	$ 4,007,878
KCP&L	-219	$ -145,962	$ -145,962	$ -145,962	$ -145,962	$ -145,962	$ -145,962
St. Joseph Light & Power	945	$ 628,924	$ 628,924	$ 628,924	$ 628,924	$ 628,924	$ 628,924
UtiliCorp United	5,443	$ 3,622,510	$ 3,622,510	$ 3,622,510	$3 ,622,510	$ 3,622,510	$ 3,622,510
Total	34,405	$42,096,690	$42,096,690	$42,096,690	$42,096,690	$42,096,690	$42,096,690
		FY2007	**FY2008**	**FY2009**	**FY2010**	**FY2011**	**Total Cost**
AECI		$11,983,341	$11,983,341	$11,983,341	$11,983,341	$11,983,341	$131,816,749
Ameren U.E.		$22,000,000	$22,000,000	$22,000,000	$22,000,000	$22,000,001	$242,000,001
Empire Energy Center		$4 ,007,878	$ 4,007,878	$ 4,007,878	$ 4,007,878	$ 4,007,878	$ 44,086,658

KCP&L		$ -145,962	$ -145,962	$ -145,962	$ -145,962	$ -145,962	$ -1,605,587
St. Joseph Light & Power		$ 628,924	$ 628,924	$ 628,924	$ 628,924	$ 628,924	$ 6,918,163
UtiliCorp United		$ 3,622,510	$ 3,622,510	$ 3,622,510	$ 3,622,510	$ 3,622,510	$ 39,847,605
Total		$42,096,690	$42,096,690	$42,096,690	$42,096,690	$42,096,691	$463,063,589

Table 2: Units Expected to Comply with 25 Ton Per Control Period Exemption

Company	Facility	Boiler Capacity	Estimated 2003 NO_x Emissions
St. Joseph Light & Power	LAKE ROAD	25	0.52
St. Joseph Light & Power	LAKE ROAD	25	10.87
St. Joseph Light & Power	LAKE ROAD	25	8.60
St. Joseph Light & Power	LAKE ROAD	25	2.51
Ameren U.E.	AMEREN - VIADUCT	30.6	10.37
Empire Energy District	MOREAU	60.9	23.36
Empire Energy District	FAIRGROUNDS	68.3	16.91
KCP&L	NORTHEAST STATION	50	9.84
KCP&L	NORTHEAST STATION	64	8.33
KCP&L	NORTHEAST STATION	50	14.79
KCP&L	NORTHEAST STATION	64	8.03
KCP&L	NORTHEAST STATION	64	15.59
KCP&L	NORTHEAST STATION	64	15.39
KCP&L	NORTHEAST STATION	64	16.15
KCP&L	NORTHEAST STATION	64	14.62
Utilicorp United	GREENWOOD ENERGY CTR	84	6.91
Utilicorp United	GREENWOOD ENERGY CTR	84	10.04
Utilicorp United	GREENWOOD ENERGY CTR	84	13.59
Utilicorp United	GREENWOOD ENERGY CTR	84	15.60
Utilicorp United	KCI ENERGY CNTR. MO PUBLIC SERVICE	260	6.12
Utilicorp United	KCI ENERGY CNTR. MO PUBLIC SERVICE	310	8.14
Ameren U.E.	MERAMEC	68.3	23.37
Ameren U.E.	HOWARD BEND COMBUSTION TURBINE	47.4	14.30
	Total		273.96

Annual cost per unit to comply with twenty-five (25) ton per control period exemption = $7,500 per year
Total number of units expected to comply with twenty-five (25) ton per control period exemption = 21
Compliance will occur annually beginning in FY2002

24 units * $7,500/unit = $180,000 per year

Table 3: Cost Savings Due to Early Reduction Credits

FY2003	FY2004	FY2005
$2,939,249	$7,372,082	$4,432,833

Table 4: Total Aggregate Costs

	FY2001	FY2002	FY2003	FY2004	FY2005
Capital, Recordkeeping, and Monitoring Costs	$42,096,690	$42,096,690	$42,096,690	$42,096,690	$42,096,690
ERC Savings	$ 0	$ 0	$ -2,939,249	$ -7,372,082	$ -4,432,833
Cost of Compliance with 25 Ton Exemption	$ 0,000	$ 180,000	$ 80,000	$ 180,000	$ 180,000
Annualized Aggregate	$42,276,690	$42,276,690	$39,337,441	$34,904,608	$37,843,857
	FY2006	**FY2007**	**FY2008**	**FY2009**	**FY2010**
Capital, Recordkeeping, and Monitoring Costs	$42,096,690	$42,096,690	$42,096,690	$42,096,690	$42,096,690
ERC Savings	$ 0	$ 0	$ 0	$ 0	$ 0
Cost of Compliance with 25 Ton Exemption	$ 180,000	$ 80,000	$ 180,000	$ 180,000	$ 180,000
Annualized Aggregate	$42,276,690	$42,276,690	$42,276,690	$42,276,690	$42,276,690
	FY2011	**Aggregate**			
Capital, Recordkeeping, and Monitoring Costs	$42,096,690	$463,063,590			
ERC Savings	$ 0	$ -14,744,164			
Cost of Compliance with 25 Ton Exemption	$ 180,000	$ 1,980,000			
Annualized Aggregate	$42,276,690	$450,299,426			

IV. ASSUMPTIONS

1. The rule lifetime is assumed to be ten (10) years.

2. Cost estimates are based on a capital cost assumption of $1,667 per ton of NO_x reduction, monitoring and recordkeeping of twenty percent (20%) of the capital cost, and fifteen percent (15%) interest rate. The annualized costs are a compounded interest rate of depreciation. Cost figures used in this rule are consistent with those used in the development of the EPA's NO_x SIP call. The department believes that these cost figures adequately represent the installation of controls listed in assumption 9.

3. Cost estimates for Ameren U.E. and Empire Energy Center were supplied by the companies.

4. Ameren U.E. costs reflect control that have already been installed in order to comply with this rule. The department has not included similar controls at other installations due to the lack of data.

5. The department projects that 5,078 tons per year of early reduction NO_x credits will be generated in the years 2000, 2001, and 2002. This was project to account for seventeen and one-half (17.5) percent of the year 2003 and 2004 emission. The department has reduced the compliance costs for control periods 2003 and 2004 by seventeen and one-half (17.5) percent in order to account for the additional trading allowances.

6. The date on which affected EGU must be in compliance with this regulation is May 1, 2003.

7. NO_x reductions are only required during the control period which is May 1 through September 30.

8. The NO_x emissions numbers used in this fiscal note for EGUs are not intended to be the actual allowances for each affected unit. The NO_x emissions numbers are for cost calculations only and are based on the NO_x emissions inventory used in the St. Louis Ozone Nonattainment Area Attainment Demonstration. The actual NO_x allowance allocations will be identified by the department as required by this rule.

9. Potential controls on which costs are based for EGUs include selective catalytic reduction, selective non-catalytic reduction, natural gas reburn and combustion controls.

10. Costs that appear as negatives in Table 1 reflect facilities that have already made changes that resulted in significant emission reductions. The cost related to these changes have not been reported to the department and are not reflected in this fiscal note.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 2—Definitions

PROPOSED AMENDMENT

11 CSR 75-2.010 Definitions. The commission is adding section (52) and renumbering the remaining sections.

PURPOSE: This rule adds a definition to define the meaning of "Missouri Peace Officer Certification Exam," to meet the requirements for certification upon completion of basic or other training and the terms for maintenance of certification.

(52) Missouri Peace Officer Certification Examination, is a standardized examination that all individuals must pass in order to become certified and be commissioned as peace officers in the state of Missouri. The questions on the examination are derived from the POST mandated four hundred and seventy (470) hour curriculum.

[(52)] **(53)** Nonprimary enforcement activities, activities which include, but are not limited to, traffic control, crowd control, checking abandoned, vacated and temporarily vacated structures, conveyance of motor vehicles, public appearances, and public educational presentations.

[(53)] **(54)** Peace officer includes all members of the state highway patrol, all state, county and municipal law enforcement officers employed full-time and possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, who serves full-time, with pay.

[(54)] **(55)** Peace Officer Standards and Training Commission is the nine (9)-member board consisting of three (3) chiefs of police, three (3) sheriffs, one (1) certified training center director, one (1) representative of a state law enforcement agency and one (1) public member, all appointed by the governor, responsible to formulate definitions, establish core curriculum and rules for the administration of POST and to guide and advise the director concerning his/her duties as outlined by the Act.

[(55)] **(56)** Peace Officer Standards and Training Commission Fund shall be administered by the nine (9)-member Peace Officer Standards and Training Commission.

[(56)] **(57)** POST refers to the Missouri Department of Public Safety's Peace Officer Standards and Training Program.

[(57)] **(58)** POST fund is a training fund, administered by the POST Commission, which was created to provide for the cost of approved continuing education training of certified Missouri peace officers.

[(58)] **(59)** Political subdivisions, any county, township, city, incorporated town or village in the state of Missouri.

[(59)] **(60)** Practical experience is acquired knowledge or skill, through practice or actions, rather than theory or speculation.

[(60)] **(61)** Primary enforcement activities, activities used to enforce the police powers of the state, including but not limited to, a direct or indirect involvement in the activities of arrest, detention, vehicular pursuit, search, interrogations or the administration of first aid.

[(61)] **(62)** Public law enforcement agency, any state agency, county or municipality employing or appointing commissioned officers with full powers of arrest, search and seizure and enforcement of the general criminal laws of Missouri.

[(62)] **(63)** Qualifying or comprehensive examination refers to a test which substantially covers the content of the sixty (60)-hour basic bailiff training requirement, one hundred twenty (120)-hour basic training requirement, the two hundred forty (240)-hour basic training requirement, the six hundred (600)-hour basic training requirement, or a combination of these, a physical agility/defensive tactics component and a firearms component along with training or proof of certification in areas such as radar, breathalyzer and approved first aid.

[(63)] **(64)** Beginning August 28, 1998, a Railroad Police Officer Certification is a certification which is valid only as long as this individual is employed as a railroad police officer and is subject to the provisions of sections 388.600–388.660, RSMo.

[(64)] **(65)** Reciprocity Application is a form upon which a request is made to receive a specific exchange of rights or privileges from one state to another.

[(65)] **(66)** Reserve officer, any person who serves in a less than full-time law enforcement capacity, with or without pay, and who without certification, has no power of arrest and who, without certification, must be under direct and/or immediate accompaniment of a certified peace officer of the same agency in order to engage in primary enforcement activities.

[(66)] **(67)** Skill development training focuses on activities which develop physical skill proficiency such as *[and thereof]* defensive tactics, firearms and drivers training.

[(67)] **(68)** Special certificate/certification refers to the status of a chief executive officer, a peace officer, a reserve officer or bailiff who was certified with prior or other training, experience, education, or a combination of these, approved by the director as being equivalent to the minimum training required by the state to be certified under section 590.115(4) and (5), RSMo.

[(68)] **(69)** Specialty training is training on a single topic meant to impart specific, in-depth knowledge and skill to in-service personnel.

[(69)] **(70)** Technical studies training focuses on specialized studies or activities which directly relate to the job description.

[(70)] **(71)** Termination date refers to the last day a person is employed or appointed as a bailiff, peace officer or reserve officer with a law enforcement agency or when a person's classification with the agency changes from one status to another.

[(71)] **(72)** Trainee shall mean a recruit or a returning veteran bailiff, peace officer or reserve officer who shall be required to complete the minimum basic training requirements as established by the director or his/her designated representative.

[(72)] **(73)** Training center director or coordinator is an individual charged with the overall responsibility of conducting a mandatory basic training course under the provisions of the Act.

[(73)] **(74)** Training day is composed of eight (8) hours.

[(74)] **(75)** Veteran bailiff, is an assigned officer of the court who has been a full-time bailiff with a political subdivision prior to January 1, 1995.

[(75)] **(76)** Veteran peace officer, is any peace officer who has been a full-time peace officer with a duly constituted law enforcement agency, state, county or municipal law enforcement agency on a continuous basis and who previously has completed a basic law enforcement training course approved by the state in which the officer received the training or who has been exempted from the basic training requirements set forth by the Act.

[(76)] **(77)** Void certification occurs when a certified officer terminates appointment or employment by a duly constituted law enforcement agency for a period of five (5) years after August 28, 1996. This definition applies to a bailiff, peace officer, reserve officer or chief executive officer who was certified with prior training or other training, experience, education, or a combination of these, approved by the director as equivalent to the minimum basic training required by the state, except for any peace officer who was certified by Missouri on the basis of basic training acquired and certification granted in another state prior to appointment or employment as a bailiff, peace officer, reserve officer or chief executive officer in Missouri as defined in 11 CSR 75-3.050.

*AUTHORITY: section 590.120, RSMo [Supp. 1998] **Supp. 1999**. Original rule filed Aug. 12, 1980, effective Nov. 13, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 3—Certification of Bailiffs, Officers, and Reserve Officers

PROPOSED AMENDMENT

11 CSR 75-3.020 Eligibility for Certification. The commission is amending section (5).

PURPOSE: This rule contains wording that does not pertain to the eligibility for certification.

(5) To be considered for basic or special reserve officer certification, the applicant must be a part-time Missouri reserve officer, appointed by a duly constituted law enforcement agency of Missouri or any Missouri political subdivision, a United States citizen, *[a resident of Missouri,]* at least twenty-one (21) years of age and hold at least a high school diploma or its equivalent. These requirements will not apply to a reserve officer serving as a federal military reserve officer on a federal military installation.

*AUTHORITY: sections 590.105, RSMo [Supp. 1997] **Supp. 1999** and 590.110, 590.130 and 590.150, RSMo 1994. Original rule filed Aug. 12, 1980, effective Nov. 13, 1980. Rescinded and readopted: Filed April 12, 1989, effective June 29, 1989. Amended: Filed Aug. 30, 1991, effective Jan. 13, 1992. Emergency rescission and rule filed June 15, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Rescinded and readopted: Filed June 2, 1994, effective Nov. 30, 1994. Amended: Filed Oct. 15, 1997, effective April 30, 1998. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 5—Certification of Training Centers

PROPOSED AMENDMENT

11 CSR 75-5.040 Minimum Requirements and Procedures for Training Centers. The commission is amending section (3).

PURPOSE: This rule is deleting wording that will allow the advisory board to meet once a year instead of the current requirement, twice a year.

(3) Every training center shall have an advisory board which shall meet with the training center director or coordinator at least *[two (2) times each]* **once per calendar** year. Minutes of these meetings shall be maintained by the training center.

*AUTHORITY: sections 590.120 and 590.135, RSMo [1994] **Supp. 1999**. This rule was previously filed as 11 CSR 75-5.050. Original rule filed Aug. 12, 1980, effective Nov. 13, 1980. Rescinded and readopted: Filed April 12, 1989, effective June 29, 1989. Emergency rescission and rule filed June 15, 1994, effective Aug. 28, 1994, expired Dec. 25, 1994. Rescinded and readopted: Filed June 2, 1994, effective Nov. 30, 1994. Amended: Filed Aug. 11, 1995, effective March 30, 1996. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

PROPOSED RULE

11 CSR 75-11.035 Recognition of Out-of-State Continuing Education Training

PURPOSE: This rule defines the requirements for recognition of out-of-state continuing education training and the process to determine which states will be recognized.

(1) If the Peace Officer Standards and Training (POST) Program of another state has continuing education requirements equal to or better than those outlined in 11 CSR 75-11.020 and 11 CSR 75-11.030, then the out-of-state continuing education training received may be recognized by the Missouri POST Program as "Approved Provider" continuing education training.

(2) The director or his/her designated representatives shall make the determination if another state's POST Program has equal to or better continuing education requirements as the Missouri POST Program. This determination will be made every three (3) years beginning January 1, 2000. A list of the states that are approved will be made available to Missouri law enforcement agencies and officers.

(3) A diploma or other indicia indicating that the officer attended and successfully completed the continuing education course shall be maintained in accordance with 11 CSR 75-11.030.

(4) Credit for the out-of-state continuing education shall be issued in accordance with 11 CSR 75-11.020(7) and will be considered "Approved Provider Continuing Education."

(5) The director or his/her designated representatives may approve individual classes or courses presented by an individual or entity other than those identified in section (2). A list of approved classes or courses will be made available to Missouri law enforcement agencies and officers. Approved classes will be in compliance with 11 CSR 75-11.020 and 11 CSR 75-11.030.

AUTHORITY: section 590.115, RSMo Supp. 1999. Original rule filed Feb. 9, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

PROPOSED AMENDMENT

11 CSR 75-11.060 Application for Initial Probationary and Continuing POST Commission Approval of Continuing Education Providers. The commission is amending section (7).

PURPOSE: This rule is adding wording to allow the POST Commission to have the discretion of whether or not an approved provider can have parts of this section to be waived.

(7) Certain federal and state agencies**,** *[providing]* **not located within the state of Missouri, that provide** education may be waived from this section's requirements by the POST Commission.

*AUTHORITY: section 590.115, RSMo [1994] **Supp. 1999**. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 11—Continuing Education Requirements

PROPOSED AMENDMENT

11 CSR 75-11.070 Procedures for Continuing Education Course Providers. The commission is amending section (14).

PURPOSE: This rule is adding a statement that allows certain training centers to be exempt from section (2) of this rule under the discretion of the POST Commission.

(14) Certain state and federal agency training centers**, not located within the state of Missouri,** designated by the POST Commission as certified providers may be exempted from all but section (2) of this rule.

*AUTHORITY: sections 590.115 and 590.140, RSMo [Supp. 1997] **Supp. 1999**. Original rule filed Aug. 15, 1995, effective March 30, 1996. Amended: Filed Dec. 3, 1996, effective June 30, 1997. Amended: Filed Sept. 10, 1997, effective March 30, 1998. Amended: Filed Feb. 9, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Chris Egbert, POST Program, Missouri Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 4—Older Americans Act

PROPOSED AMENDMENT

13 CSR 15-4.050 Funding Formula and Fiscal Management. The director of the Division of Aging proposes to amend this rule by adding the following new subsections (2)(N) and (U) and (6)(O) to include the new percentage figures for each area agency on aging.

PURPOSE: This amendment revises the funding formulas which allows the Division of Aging to disburse funds to the area agencies on aging in the state.

(2) The intrastate funding formula for the state of Missouri shall be established by the proportion of the population in each planning and service area (PSA) as calculated by using the following four (4) factors and weights:

(N) Data used to compute the area agency on aging allotment percentages was derived from the 1998 Census Estimates prepared by the Missouri Office of Administration for the population sixty (60) years of age and over for funds allocated for the period July 1, 2000 through June 30, 2001;

[(N)] **(O)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the period July 1, 1994 through June 30, 1995 are as follows:

1. Southwest Missouri Office on Aging—12.45%;
2. Southeast Missouri Area Agency on Aging—10.66%;
3. District III Area Agency on Aging—6.73%;
4. Northwest Missouri Area Agency on Aging—6.62%;
5. Northeast Missouri Area Agency on Aging—5.76%;
6. Central Missouri Area Agency on Aging—10.79%;
7. Mid-America Regional Council Area Agency on Aging—14.21%;
8. Mid-East Area Agency on Aging—19.34%;
9. City of St. Louis Area Agency on Aging—9.80%; and
10. Area Agency on Aging Region X—3.64%;

[(O)] **(P)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1996 beginning on July 1, 1995 and ending June 30, 1996, are as follows:

1. Southwest Missouri Office on Aging—12.58%;
2. Southeast Missouri Area Agency on Aging—10.57%;
3. District III Area Agency on Aging—6.63%;
4. Northwest Missouri Area Agency on Aging—6.49%;
5. Northeast Missouri Area Agency on Aging—5.65%;
6. Central Missouri Area Agency on Aging—10.86%;
7. Mid-America Regional Council Area Agency on Aging—14.32%;
8. Mid-East Area Agency on Aging—20.07%;
9. City of St. Louis Area Agency on Aging—9.19%; and
10. Agency on Aging Region X—3.64%;

[(P)] **(Q)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1997 beginning on July 1, 1996 and ending June 30, 1997, are as follows:

1. Southwest Missouri Office on Aging—12.63%;
2. Southeast Missouri Area Agency on Aging—10.54%;
3. District III Area Agency on Aging—6.61%;
4. Northwest Missouri Area Agency on Aging—6.44%;
5. Northeast Missouri Area Agency on Aging—5.63%;
6. Central Missouri Area Agency on Aging—10.88%;
7. Mid-America Regional Council Area Agency on Aging—14.35%;
8. Mid-East Area Agency on Aging—20.28%;
9. City of St. Louis Area Agency on Aging—9.00%; and
10. Area Agency on Aging Region X—3.64%;

[(Q)] **(R)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1998 beginning on July 1, 1997 and ending June 30 1998, are as follows:

1. Southwest Missouri Office on Aging—12.69%;
2. Southeast Missouri Area Agency—10.52%;
3. District III Area Agency—6.60%;
4. Northwest Missouri Area Agency—6.40%;
5. Northeast Missouri Area Agency—5.61%;
6. Central Missouri Area Agency—10.91%;
7. Mid-America Regional Council—14.39%;
8. Mid-East Area Agency—20.42%;
9. St. Louis Area Agency—8.82%; and
10. Region X Area Agency—3.64%;

[(R)] **(S)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 1999 beginning on July 1, 1998 and ending June 30, 1999, are as follows:

1. Southwest Missouri Office on Aging—12.76%;
2. Southeast Missouri Area Agency—10.48%;
3. District III Area Agency—6.59%;
4. Northwest Missouri Area Agency—6.35%;
5. Northeast Missouri Area Agency—5.59%;
6. Central Missouri Area Agency—10.94%;
7. Mid-America Regional Council—14.42%;
8. Mid-East Area Agency—20.59%;
9. St. Louis Area Agency—8.64%; and
10. Region X Area Agency—3.64%; *[and]*

[(S)] **(T)** Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 2000 beginning on July 1, 1999 and ending June 30, 2000, are as follows:

1. Southwest Missouri Office on Aging—12.82%;
2. Southeast Missouri Area Agency—10.46%;
3. District III Area Agency—6.59%;
4. Northwest Missouri Area Agency—6.30%;
5. Northeast Missouri Area Agency—5.59%;
6. Central Missouri Area Agency—10.97%;
7. Mid-America Regional Council—14.46%;
8. Mid-East Area Agency—20.72%;
9. St. Louis Area Agency—8.46%; and
10. Region X Area Agency—3.63%*[.]*; **and**

(U) Based on the factors and weights stated in this rule, the percentages of funds allocated to each PSA for the Fiscal Year 2001 beginning on July 1, 2000 and ending June 30, 2001, are as follows:

1. Southwest Missouri Office on Aging—12.87%;
2. Southeast Missouri Area Agency—10.43%;
3. District III Area Agency—6.57%;
4. Northwest Missouri Area Agency—6.26%;
5. Northeast Missouri Area Agency—5.58%;
6. Central Missouri Area Agency—11.00%;
7. Mid-America Regional Council—14.49%;
8. Mid-East Area Agency—20.86%;
9. St. Louis Area Agency—8.30%; and
10. Region X Area Agency—3.64%.

(6) The intrastate funding formula for the allocation of Title III-F funds for Missouri shall be established by the proportion of the sum of the factors for each PSA to the total of the factors for the state as calculated by using the following three (3) factors and weights:

(M) Based upon the factors and weights stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 1999 are as follows:

1. Southwest Missouri Office on Aging—12.89%;
2. Southeast Missouri Area Agency—11.06%;
3. District III Area Agency—7.34%;
4. Northwest Missouri Area Agency—7.00%;
5. Northeast Missouri Area Agency—6.37%;
6. Central Missouri Area Agency—9.19%;
7. Mid-America Regional Council—19.00%;
8. Mid-East Area Agency—11.99%;
9. St. Louis Area Agency—10.60%; and
10. Region X Area Agency—4.56%; *[and]*

(N) Based upon the factors and weights stated in this rule, the percentage of funds allocated to each PSA for Fiscal Year 2000 are as follows:

1. Southwest Missouri Office on Aging—12.50%;

2. Southeast Missouri Area Agency—11.38%;
3. District III Area Agency—7.31%;
4. Northwest Missouri Area Agency—7.03%;
5. Northeast Missouri Area Agency—6.64%;
6. Central Missouri Area Agency—9.21%;
7. Mid-America Regional Council—18.83%;
8. Mid-East Area Agency—12.06%;
9. St. Louis Area Agency—10.19%; and
10. Region X Area Agency—4.85%*[.]***; and**

(O) Based upon the factors and weights stated in this rule, the percentages of funds allocated to each PSA for Fiscal Year 2001 are as follows:

1. Southwest Missouri Office on Aging—12.61%;
2. Southeast Missouri Area Agency—11.35%;
3. District III Area Agency—7.31%;
4. Northwest Missouri Area Agency—6.98%;
5. Northeast Missouri Area Agency—6.70%;
6. Central Missouri Area Agency—9.24%;
7. Mid-America Regional Council—18.93%;
8. Mid-East Area Agency—12.15%;
9. St. Louis Area Agency—9.96%; and
10. Region X Area Agency—4.77%.

*AUTHORITY section 660.050, RSMo [Supp. 1998] **Supp. 1999**. This rule was previously filed as 13 CSR 15-6.195. Original rule filed Jan. 6, 1986, effective April 30, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 2, 2000.*

PUBLIC COST: In accordance with section 305 of the Older Americans Act, the Division of Aging as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The public entities and their respective increase/(decrease) in revenues are: Mid-America Regional Council Area Agency on Aging—$9,573, City of St. Louis Area Agency on Aging—($46,921) and Area Agency on Aging Region X—$1,647.

PRIVATE COST: In accordance with section 305 of the Older Americans Act, the Division of Aging as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies and their respective increase/(decrease) in revenues are: Southwest Missouri Office on Aging—$15,181, Southeast Missouri Area Agency on Aging—($8,619), District III Area Agency on Aging—($5,473), Northwest Missouri Area Agency on Aging—($11,628), Northeast Missouri Area Agency on Aging—($1,919), Central Missouri Area Agency on Aging—$8,619 and Mid-East Area Agency on Aging—$39,540.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Andrea Routh, Director, P.O. Box 1337, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 4 - Older Americans Act

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-4.050, Funding Formula and Fiscal Management

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Mid-America Regional Council	$ 9,573
City of St. Louis	($46,921)
Area Agency on Aging Region X	$ 1,647

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/ (decrease) in Title III Funds	Increase/ (decrease) in Title III F Funds
Mid America Regional Council	$ 8,210	$ 1,363
City of St. Louis	(43,787)	(3,134)
Area Agency on Aging Region X	2,737	(1,090)
Total	($32,840)	($2,861)

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Social Services/Division of Aging (DSS/DA), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.

2. This rule is specific to the state unit on aging within DSS/DA as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the OAA, DA as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies are: Southwest

Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.

3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo (Supp. 1999).

4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DA, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.

5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DA.

6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.

7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.

8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 4 - Older Americans Act

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 15-4.050, Funding Formula and Fiscal Management

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7	Area agencies on aging	$35,701*

*The aggregate change over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect.

III. WORKSHEET

Funding formula for distribution of funds:

	Increase/ (decrease) in Title III Funds	Increase/ (decrease) in Title III F Funds
Mid-East Area Agency	$ 38,314	$ 1,226
Southwest Office on Aging	13,683	1,498
Central Missouri Area Agency	8,210	409
Southeast Missouri Area Agency	(8,210)	(409)
Northwest Missouri Area Agency	(10,947)	(681)
District III Area Agency	(5,473)	0
Northeast Missouri Area Agency	(2,737)	818
Total	$ 32,840	$ 2,861

IV. ASSUMPTIONS

1. In accordance with the federal Older Americans Act (OAA), this rule relates to the Missouri Department of Social Services/Division of Aging (DSS/DA), the designated state agency responsible for development and implementation of a state plan on aging under Titles III, V and VII of the Act.

2. This rule is specific to the state unit on aging within DSS/DA as mandated by Title III of the OAA and designated area agencies on aging. In accordance with section 305 of the Act, DA as the state unit on aging has designated ten (10) area agencies on aging within the state. This rule is specific to those ten (10) area agencies on aging. Seven (7) of the entities are non-profit organizations and three (3) are public organizations. The non-profit agencies are: Southwest Missouri Office on Aging, Southeast Missouri Area Agency on Aging, District III Area Agency on Aging, Northwest Missouri Area Agency on Aging, Northeast Missouri Area Agency on Aging, Central Missouri Area Agency on Aging and Mid-East Area Agency on Aging. The public entities are: Mid-America Regional Council Area Agency on Aging, City of St. Louis Area Agency on Aging and Area Agency on Aging Region X.

3. This rule is mandated by the OAA; therefore, a takings analysis is not required under section 536.017, RSMo (Supp. 1999).

4. The OAA mandates Title III funds, with limited exceptions detailed within section 304, be distributed to area agencies on aging designated by the state unit on aging. DA, the designated state unit on aging, is responsible for developing in consultation with the area agencies on aging an intrastate funding formula for distribution of Title III funds to area agencies on aging. The intrastate funding formula is based upon criteria found within section 305 of the OAA.

5. This rule is federally mandated; therefore, the life of the rule cannot be determined by DA.

6. The aggregate decrease in public revenues over the life of the rule may be obtained by multiplying the revenues above by the number of years the rule is projected to be in effect. Consideration should be given to the demographic changes as contained within information from the US Department of Commerce, Bureau of the Census and population estimates prepared by the Missouri Office of Administration. Further, the area agency on aging funding levels are annually affected by the level of federal, Administration on Aging grant awards to Missouri.

7. Area agencies on aging do not cover the same number of counties nor do they receive the same level of funding. In order to obtain a reasonable estimate of the decreased revenue to a single area agency on aging, first divide the anticipated decrease in public revenues by the number of public or private area agencies on aging affected under this specific fiscal note.

8. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 14—Intermediate Care and Skilled Nursing Facility

PROPOSED AMENDMENT

13 CSR 15-14.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities. The division proposes to amend sections (5), (18), (20), (28) and (39).

PURPOSE: This proposed amendment incorporates a recommendation from the Board of Nursing Home Administrators in section (5); includes the good cause waiver requirements in accordance with section 660.317, RSMo Supp. 1999 in sections (18) and (28); and incorporates the nursing assistant training requirements found in 13 CSR 15-13 in sections (20) and (39).

PUBLISHER'S NOTE: All rules relating to long-term care facilities licensed by the Division of Aging are followed by a Roman Numeral notation which refers to the class (either Class I, II or III) of standard as designated in section 198.085.1, RSMo.

(5) The **licensed** administrator shall not leave the premises without delegating the necessary authority in writing to a responsible individual. If the administrator is absent from the facility for more than thirty (30) consecutive days *[during which time s/he is not readily accessible for consultation by telephone, facsimile machine (fax) or electronic mail with the person in charge, or if the administrator is absent from the facility for more than sixty (60) working days during the calendar year]*, the person designated to be in administrative charge shall be a currently licensed nursing home administrator. **Such thirty (30) consecutive-day absences may only occur once within any consecutive twelve (12)-month period.** I/II

(18) The facility must develop and implement written policies and procedures which require that persons hired for any position which is to have contact with any patient or resident have been informed of their responsibility to disclose their prior criminal history to the facility as required by section 660.317.5, RSMo. The facility—

(A) *[must]* **Shall** also develop and implement policies and procedures which ensure that the facility does not knowingly hire, after August 28, 1997, any person who has or may have contact with a patient or resident, who has been convicted of, plead guilty or *nolo contendere* to, in this state or any other state, or has been found guilty of any A or B felony violation of Chapter 565, 566 or 569, RSMo, or any violation of subsection 3 of section 198.070, RSMo, or of section 568.020 RSMo*[.]*, **unless the person has been granted a good cause waiver by the division;**

(B) May consider for employment, in positions which have contact with residents or patients, any person who has been granted a good cause waiver by the division in accordance with the provisions of section 660.317, RSMo Supp. 1999 and 13 CSR 15-10.060; and

(C) Shall contact the division to confirm the validity of an applicant's good cause waiver prior to hiring the applicant. II/III

(20) The facility shall develop and offer an in-service orientation and continuing educational program for the development and improvement of skills of all the facility's personnel, appropriate for their job function. Facilities shall begin providing orientation on the first day of employment for all personnel including licensed nurses and other professionals. At a minimum, this shall cover prevention and control of infection, facility policies and procedures including emergency protocol, job responsibilities and lines of authority, confidentiality of resident information and preservation of resident dignity including protection of the resident's privacy and instruction regarding the property rights of residents. Nursing assistants who have not successfully completed the classroom portion of the state-approved training program prior to employment shall not provide direct resident care *[without]* **until they have completed the sixteen (16)-hour, orientation module and** at least twelve (12) hours of supervised practical orientation. This shall include, in addition to the topics covered in the general orientation for all personnel, special focus on facility protocols as well as practical instruction on the care of the elderly and disabled. This orientation shall be supervised by a licensed nurse who is on duty in the facility at the time orientation is provided. II/III

(28) The administrator shall maintain on the premises an individual personnel record on each employee of the facility which shall include: the employee's name and address; Social Security number; date of birth; date of employment; experience and education; references, if available; the result of background checks required by section 660.317, RSMo; **a copy of any good cause waiver, granted by the division, if applicable;** position in the facility; record that the employee was instructed on resident's rights; basic orientation received; and reason for termination, if applicable. Documentation shall be on file of all training received within the facility in addition to current copies of licenses, transcripts, certificates or statements evidencing competency for the position held. Facilities shall retain personnel records for at least one (1) year following termination of employment. III

(39) Nursing assistants employed after January 1, 1980**,** shall have completed mandatory training as required by section 198.082, RSMo**,** or be enrolled in the course and functioning under the supervision of a *[licensed nurse]* **state approved instructor or clinical supervisor** as part of the one hundred (100) hours of on-the-job training. The person enrolled shall have successfully completed the course **and become certified** within one (1) year *[(twelve (12) months) or s/he shall not]* **of employment with a licensed-only facility or within four (4) months of employment with a facility certified under Title XVIII or Title XIX if he or she is to** remain employed in the facility as a nursing assistant. II

*AUTHORITY: section 198.079, RSMo 1994. Original rule filed July 13, 1983, effective Oct. 13, 1983. Emergency amendment filed Nov. 9, 1983, effective Nov. 19, 1983, expired, March 18, 1984. Amended: Filed Nov. 9, 1983, effective Feb. 11, 1984. Amended: Filed Sept. 12, 1984, effective Dec. 13, 1984. Amended: Filed Aug. 1, 1988, effective Nov. 10, 1988. Amended: Filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: **Filed** Feb. 13, 1998, effective Sept. 30, 1998. Amended: Filed Feb. 15, 2000.*

PUBLIC COST: This proposed amendment is not anticipated to cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not anticipated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Aging, Richard Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102-1337. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 9—Incentives

PROPOSED RULE

13 CSR 30-9.010 Incentives

PURPOSE: The purpose of this rule is to define how the Division of Child Support Enforcement will share available federal incentive funds with counties for allowable expenses not to exceed one hundred percent of counties' reasonable and necessary costs.

(1) Definitions. For the purposes of this rule, the following definitions are applicable.

(A) Division means the Division of Child Support Enforcement.

(B) Director means the director of the Division of Child Support Enforcement.

(C) New formula means the amount otherwise payable to a state as federal incentives under Section 458A of the Social Security Act.

(D) Old formula means the amount otherwise payable to a state as federal incentives under Section 458 of the Social Security Act.

(E) Counties means all counties and all cities not located within a county.

(F) Allowable expenses means expenses that may be claimed pursuant to 13 CSR 30-3.010.

(G) TANF means temporary aid for needy families.

(H) County incentives means the total amount of money counties are entitled to receive whether under the new formula, or the old formula or both. Incentives are equal to six percent (6%) of their counties' TANF collections plus six percent (6%) of their counties non-TANF collections (not to exceed the six percent (6%) of TANF collections). Level A and B counties will receive six percent (6%) of their counties' TANF collections plus six percent (6%) of non-TANF collections (up to one hundred fifteen percent (115%) of their counties' TANF collections). The incentives are subject to availability of federal funding and shall only be paid from federal incentive funds.

(2) Three (3) Year Phase-In Plan. Between October 1, 1999 and September 30, 2000, county incentives will be paid at the rate of two thirds (2/3) from the old formula and one-third (1/3) from the new formula. Between October 1, 2000, and September 30, 2001, county incentives will be paid at the rate of one-third (1/3) from the old formula and two-thirds (2/3) from the new formula. Beginning October 1, 2001, and thereafter, county incentives will be paid at one hundred percent (100%) from the new formula.

(3) Payments to be Received by Counties. Incentive payments to counties under the new formula shall not exceed one hundred percent (100%) of the counties allowable expenses which have not been reimbursed pursuant to 13 CSR 30-3.010. If the funds received by the county from the old formula plus the new formula do not equal one hundred percent (100%) of the counties non-reimbursed allowable expenses, the division will allocate additional funds up to one hundred percent (100%) of non-reimbursed allowable expenses if federal funds are available from the new formula after all other counties have received their county incentives. If the total federal funds received by the state under the new formula which have not been paid to counties are not sufficient to cover counties' cost which have not been reimbursed pursuant to 13 CSR 30-3.010 or which have not been covered by incentives paid under the new and old formula, the counties will share the incentives on a *pro rata* share based on the percent of the counties' total IV-D collections. If at anytime federal incentives received by the state are insufficient to pay county incentives, then the federal incentives shall be distributed to the counties *pro rata* based on collections in IV-D cases. If the total federal funds received by the state under the new formula exceed the amount necessary to pay all counties allowable costs after reimbursement pursuant to 13 CSR 30-3.010 and receipt of all incentives to which they are entitled to under both the old and new formulas, the state shall retain these incentives for use as appropriated.

(4) Base Year Expenses. The division will initially use calendar year 1999 as the starting base year to determine the amount of allowable expenses for each county. The base year will include expenses of the counties that are normal and usual yearly expenses for the counties' operations. The division will exclude from the base year any one-time expenses not related to normal and usual expenses. After the first base year is established, then each year thereafter, the previously approved year's expenses will be used as the base year. The counties may request additional funding over the base amount from the director of the division in writing. These requests must be received by the director on or before the first day of July. Additional requests may be submitted as needed throughout the year. Requests may be made for increases to the base year or for a one-time expense. The director may approve the request, deny the request or approve for reimbursement pursuant to 13 CSR 30-3.010.

(5) Expenditures of Incentives. Incentives received by counties under the old formula may be used by the counties at their discretion. Incentives received by counties under the new formula must be reinvested into the IV-D program.

(6) Performance Audits. Counties must pass performance audits conducted by the division pursuant to 13 CSR 30-2.010 or submit corrective action plans to receive full incentives. Counties that fail to achieve corrective action plans shall be subject to reductions of their incentives. These reductions will be at four percent (4%) of the previous base year's expenses for the first failure, eight percent (8%) for the second consecutive failure and sixteen percent (16%) for the third consecutive failure and subsequent failures; these reductions will begin upon failure to achieve corrective action plans.

AUTHORITY: section 454.400.2(5), RSMo Supp. 1999. Original rule filed Feb. 3, 2000.

PUBLIC COST: In this proposed rule, it is expected that the division will be able to reimburse 100% of the county's reasonable and necessary costs. However, there will be an estimated reduction in funds distributed to Missouri counties in the aggregate amount of $496,515 for calendar year 2000, $1,702,374 for calendar year 2001 and $2,810,253 for calender year 2002. See attached fiscal note.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Child Support Enforcement, Brian Kinkade, 3418 Knipp Dr. Suite F, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 Department of Social Services

Division: 30 – Child Support Enforcement

Chapter: 9 Incentives

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 30-9.010 Incentives

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate		
Counties	Calendar Year 2000	Calendar Year 2001	Calendar Year 2002
Reduction of incentive funds distributed to counties using Calendar Year 1999 as a baseline. (Calculated by subtracting the "Total Income" amount for each respective year from the "Total Income Calendar 1999" amount.)	496,515	1,702,374	2,810,253 *

*Based upon the above assumptions, it is determined that for the years after the third year, the estimated costs of compliance in the aggregate remain at $2,810,253.00 per year. Ongoing costs in the future cannot be predicted in a precise manner due to factors such as increases in expenses, changes in the federal child support program, and the total amount of incentives received by the state each year. Therefore ongoing costs of compliance cannot be estimated in a reasonable fashion.

III. WORKSHEET

County	Expenses Calendar 1999	Total Income Calendar 1999	Total Income Calendar 2000	Total Income Calendar 2001	Total Income Calendar 2002
ADAIR	57,448	72,059	67,575	61,788	57,448
ANDREW	2,481	9,591	7,121	4,469	2,481
ATCHISON	64,645	66,727	66,727	65,841	64,645
AUDRAIN	72,080	79,649	79,649	79,649	72,080
BARRY	3,310	26,657	17,586	9,428	3,310
BARTON	3,146	10,617	8,128	5,281	3,146
BATES	2,906	14,842	10,445	6,137	2,906
BENTON	2,217	12,149	8,450	4,889	2,217
BOLLINGER	-	6,316	3,684	1,579	-
BOONE	143,598	179,568	179,568	164,796	143,598
BUCHANAN	885,060	699,420	885,060	885,060	885,060
BUTLER	145,375	144,440	145,375	145,375	145,375
CALDWELL	2,356	7,626	5,897	3,874	2,356
CALLAWAY	10,168	29,531	23,479	15,873	10,168
CAMDEN	94,128	97,982	97,982	97,982	94,128
CAPE GIRARDEAU	37,915	78,359	69,010	51,242	37,915
CARROLL	18,328	21,443	21,443	20,665	18,328
CARTER	2,433	9,433	6,999	4,390	2,433
CASS	74,017	89,405	89,405	84,022	74,017
CEDAR	6,575	15,312	12,975	9,318	6,575

CHARITON	1,428	5,587	4,137	2,589	1,428
CHRISTIAN	29,503	39,405	39,405	34,486	29,503
CLARK	1,698	9,735	6,723	3,852	1,698
CLAY	414,197	360,646	414,197	414,197	414,197
CLINTON	53,152	58,401	58,240	55,333	53,152
COLE	140,291	146,864	146,864	146,864	140,291
COOPER	70,743	75,959	75,959	73,279	70,743
CRAWFORD	55,191	75,960	69,444	61,299	55,191
DADE	3,888	9,696	8,047	5,670	3,888
DALLAS	1,526	13,250	8,668	4,587	1,526
DAVIESS	2,346	6,888	5,461	3,681	2,346
DEKALB	2,211	6,213	4,984	3,400	2,211
DENT	4,093	17,169	12,533	7,710	4,093
DOUGLAS	29,977	33,563	33,563	33,422	29,977
DUNKLIN	83,584	165,907	135,419	105,799	83,584
FRANKLIN	190,761	187,456	190,761	190,761	190,761
GASCONADE	1,851	10,467	7,244	4,162	1,851
GENTRY	-	3,335	1,946	834	-
GREENE	416,861	452,089	452,089	451,608	416,861
GRUNDY	2,676	10,920	8,015	4,964	2,676
HARRISON	1,088	6,790	4,630	2,606	1,088
HENRY	55,852	73,034	68,606	61,318	55,852
HICKORY	1,010	6,438	4,376	2,453	1,010
HOLT	258	2,234	1,462	774	258
HOWARD	1,037	6,526	4,445	2,497	1,037
HOWELL	79,209	108,275	100,936	88,520	79,209
IRON	3,455	17,149	12,128	7,172	3,455
JACKSON	1,540,474	1,655,411	1,655,411	1,655,411	1,540,474
JASPER	130,485	236,650	197,914	159,383	130,485
JEFFERSON	200,560	278,463	278,463	236,817	200,560
JOHNSON	23,757	46,711	41,749	31,468	23,757
KNOX	588	3,721	2,533	1,422	588
LACLEDE	7,088	33,613	23,967	14,322	7,088
LAFAYETTE	37,185	54,544	54,544	44,685	37,185
LAWRENCE	75,319	100,114	95,187	83,834	75,319
LEWIS	2,185	9,288	6,762	4,146	2,185
LINCOLN	29,504	29,889	29,889	29,889	29,504
LINN	2,518	14,762	10,160	5,793	2,518
LIVINGSTON	4,781	14,782	11,563	7,687	4,781
MACON	2,673	12,860	9,146	5,447	2,673
MADISON	2,297	11,962	8,390	4,909	2,297
MARIES	1,630	5,787	4,378	2,807	1,630
MARION	37,010	68,063	55,934	45,120	37,010
McDONALD	18,853	34,991	32,006	24,490	18,853
MERCER	1,310	3,694	2,961	2,017	1,310
MILLER	5,102	27,449	19,150	11,123	5,102
MISSISSIPPI	31,920	74,542	63,114	45,289	31,920
MONITEAU	1,652	12,004	8,018	4,380	1,652
MONROE	108	5,640	3,357	1,501	108
MONTGOMERY	27,312	33,570	33,570	31,198	27,312
MORGAN	-	14,002	8,168	3,501	-
NEW MADRID	30,858	77,558	64,220	45,156	30,858
NEWTON	29,135	54,976	49,987	38,072	29,135
NODAWAY	-	7,419	4,328	1,855	-

OREGON	2,127	9,047	6,586	4,038	2,127
OSAGE	1,709	8,602	6,069	3,578	1,709
OZARK	10,960	14,491	14,491	12,774	10,960
PEMISCOT	32,626	101,463	79,252	52,608	32,626
PERRY	-	-	-	-	-
PETTIS	27,198	58,365	50,747	37,290	27,198
PHELPS	34,273	56,036	53,765	42,627	34,273
PIKE	12,297	23,213	21,103	16,071	12,297
PLATTE	24,600	36,955	36,661	29,769	24,600
POLK	62,618	70,720	70,720	66,592	62,618
PULASKI	31,451	50,718	48,928	38,941	31,451
PUTNAM	-	2,736	1,596	684	-
RALLS	2,122	7,698	5,795	3,696	2,122
RANDOLPH	2,543	25,414	16,389	8,477	2,543
RAY	58,688	55,005	58,688	58,688	58,688
REYNOLDS	1,560	8,223	5,756	3,358	1,560
RIPLEY	12,157	25,307	22,239	16,478	12,157
SALINE	28,548	48,502	45,850	35,963	28,548
SCHUYLER	503	3,846	2,553	1,382	503
SCOTLAND	937	4,729	3,335	1,965	937
SCOTT	57,398	114,164	101,895	76,468	57,398
SHANNON	1,206	9,520	6,295	3,387	1,206
SHELBY	706	5,679	3,747	2,009	706
ST. CHARLES	262,516	260,287	262,516	262,516	262,516
ST. CLAIR	3,254	8,312	6,850	4,795	3,254
ST. FRANCOIS	62,229	129,283	104,445	80,322	62,229
ST. LOUIS	520,916	938,924	850,759	662,277	520,916
ST. LOUIS CITY	654,797	1,486,873	1,270,042	918,473	654,797
STE. GENEVIEVE	2,707	8,815	6,807	4,464	2,707
STODDARD	25,073	59,778	50,290	35,880	25,073
STONE	1,932	16,293	10,692	5,686	1,932
SULLIVAN	64,289	66,518	66,518	65,491	64,289
TANEY	28,256	33,783	33,783	32,039	28,256
TEXAS	6,507	22,239	16,975	10,993	6,507
VERNON	8,054	28,285	21,453	13,796	8,054
WARREN	17,456	24,486	24,486	20,697	17,456
WASHINGTON	4,652	33,499	22,402	12,259	4,652
WAYNE	3,102	18,198	12,523	7,140	3,102
WEBSTER	18,199	28,642	27,900	22,357	18,199
WORTH	3,457	3,761	3,761	3,761	3,457
WRIGHT	21,606	33,904	32,972	26,477	21,606
TOTALS	**7,635,607**	**10,445,860**	**9,949,344**	**8,743,485**	**7,635,607**

IV. ASSUMPTIONS

1. "Expenses Calendar 1999" is based upon the expenses claimed through 12/29/99.
2. Expenses were held constant at the Calendar 1999 level.
3. "Total Income" is comprised of two revenue sources: 66% Federal matching funds and child support incentives. Historically, counties have received 66% federal reimbursement for IV-D program expenditures. Counties typically cover the remaining 34% of costs incurred with the child support incentives received.
4. The phase-in of the new incentive formula began October 1, 1999.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 1—Organization and Description

PROPOSED AMENDMENT

13 CSR 110-1.010 General Organization. The division is amending the Purpose and section (1).

PURPOSE: This amendment updates the rule by making changes in terminology relating to the general organization of the Division of Youth Services.

*PURPOSE: The purpose of this regulation is to comply with section 536.023, RSMo [1986] **Supp. 1999** which requires each agency to adopt as a rule a description of its operation and the methods where the public may obtain information or make submissions or requests.*

(1) The Division of Youth Services is a division of the Department of Social Services.

(A) The division is responsible for the development and administration of an effective state-wide comprehensive program of youth services. This includes, but is not limited to:

1. Providing for the reception, classification, care, activities, education and rehabilitation of all *[children]* **youth** committed to the division;

2. Administering the interstate compact on juveniles;

3. Collecting statistics and information relating to the nature, extent and causes of, and conditions contributing to, the delinquency of *[children]* **youth**;

4. Evaluating existence and effectiveness of delinquency prevention and rehabilitation programs;

5. Preparing a master plan for the development of a state-wide comprehensive system of delinquency prevention, control and rehabilitation services;

6. Providing from funds specifically appropriated by the legislature for this purpose, financial subsidies to local units of government for the development of community-based treatment services;

7. Developing written instructional, informational and standard-setting materials relating to state and local delinquency prevention, control and rehabilitation programs, as provided for in these rules;

8. Cooperating with and assisting other public and voluntary agencies and organizations in the development and coordination of such programs; and

9. Upon request, assist**ing** local units of government in the development of community-based treatment services and *[provide]* **providing** technical assistance and consultation to law enforcement officials, juvenile courts and other community child care agencies.

*AUTHORITY: sections 210.570, 210.610, 219.036.7, 219.041.2 and 219.051, RSMo [1986] **1994**, 219.016.6, 219.021.2 and 219.021.8, **RSMo Supp. 1999**. Original rule filed Aug. 13, 1976, effective Dec. 15, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.010 Regional Classification Services. The division is amending the Purpose, (1)–(3) and deleting section (4).

PURPOSE: This amendment updates the rule by making terminology changes in sections (1), (2), and (3), and deletes section (4).

*PURPOSE: The purpose of this rule is to establish guidelines and lines of authority for the classification procedure when a [youngster] **youth** is classified from one of the juvenile courts by a regional administrator or his/her designee.*

(1) Each regional administrator **or his/her designee**, subject to all other divisional rules and policies, has full authority to assign *[youngsters]* **youth** to any residential unit or appropriate other placement. Classification criteria to be used is contained in 13 CSR 110-2.040.

(2) After a determination of the type of program in which a *[youngster]* **youth** could best function, if it is determined s/he could best function in a community program, the assignment will be made in the following priority order:

(A) If a vacancy exists in the *[youngster's]* **youth's** home community, the regional administrator should assign the *[youngster to that unit]* **youth to a program in that community**;

(B) If no vacancy exists in a local *[unit]* **program**, the assignment can be made on a regional basis;

[(C) If no vacancy exists on a regional basis, the assignment should be made on the basis of urban youngsters to urban units and rural youngsters to rural units;] and

[(D)] **(C)** When none of the circumstances in (2)(A)–*[(C)]* **(B)** exist, the *[youngster]* **youth** can be assigned to a community-based program regardless of the location as long as the regional administrator still considers the assignment in the best interest of the *[child]* **youth**.

(3) The *[regional administrator]* **division** will inform the juvenile court of where the *[youngster]* **youth** is to be delivered and will *[insure]* **ensure** that all the appropriate records are delivered with the *[youngster]* **youth**.

[(4) Unit managers who do not agree with a particular classification assignment may appeal this assignment to their immediate supervisor.]

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

*received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED RESCISSION

13 CSR 110-2.020 Classification and Assignment from Reception Centers. This rule established guidelines for the classification and assignment of youth from reception centers.

PURPOSE: This rule is proposed for rescission because it no longer reflects current procedures followed for the classification and assignment of youth from reception centers.

AUTHORITY: section 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.030 Special or Unique Service Needs. The division is amending the Purpose and section (1)–(9).

PURPOSE: The purpose of this proposed amendment is to update the guidelines and procedures for caring for the special needs of youth by amending sections (1) and (2), deleting sections (3) and (4), amending section (5) and renumbering it as section (3), amending section (6) and renumbering it as section (4), deleting sections (7) and (8), and amending section (9) and renumbering it as section (5).

*PURPOSE: The purpose of this rule is to establish the guidelines and lines of authority for [youngsters] **youth** who are in need of services that are not generally provided by this agency. This would include such things as mental disorders, mental retardation, specialized foster home care, special medical needs, etc.*

(1) The regional administrators or *[the reception unit directors]* **their designees** are responsible for making the initial determination that special services are necessary for a particular *[youngster]* **youth**.

(2) *[When it is apparent that the Division of Youth Services cannot furnish special services needed for a particular youngster, the regional administrator should attempt to gain those services by going back through the court and obtain a changed order of commitment under section 219.081, RSMo (1986). If this is not possible and arrangements cannot be made to see that the child receives the necessary services almost immediately, the youngster should be assigned to the appropriate institutional reception unit. The regional administrator shall immediately notify the reception unit director in writing of the special problem of the youngster involved.]* **When the division finds that a youth committed to its custody is in need of care or treatment other than that which the division is equipped to provide, the division may apply to the court which committed such youth requesting an order relieving the division of custody. If a change of custody is not ordered by the court, the division shall ensure the youth is provided special services within the division's capability.**

[(3) If the regional administrator is able to obtain the services locally, the regional administrator is responsible for preparing the appropriate received and released slips and notifying the special services administrator and central office.]

[(4) If the child does not receive special services through regional classification, it will be the responsibility of the reception unit director to initiate action that will insure that the youngster receives the necessary special care.]

*[(5)]***(3)** Requests for psychiatric evaluations and *[mental retardation]* **developmental disability** evaluations are to be made in accordance with the Department of Mental Health's established catchment area guidelines.

[(6)] **(4)** Upon receipt of the evaluation recommendation, the *[reception unit director]* **regional administrators or their designees will review the evaluation recommendation and take appropriate action to see that the necessary services are provided. If the services can be provided directly by the division then such services will be utilized. If such services cannot be provided directly by the division or if they can be provided in a more economical, effective, or practical manner by a contract provider pursuant to section 217.036, RSMo, the regional administrator or designee** will initiate the necessary paperwork **to obtain such services from a contract provider**.

[(7) Special services requests are to be made directly to the special services administrator.]

[(8) The reception unit director is responsible for initiating the appropriate received and released slips at any time the youngster's status changes.]

[(9)] **(5)** The *[regional administrators and the reception unit directors]* **service coordinator's supervisor** shall *[constantly]* keep the *[special services administrator]* **regional administrator** appraised of status changes of *[youngsters]* **youth** and any problems they may encounter.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.040 Classification Criteria for Placement into Division of Youth Services (DYS) Programs. The division is amending sections (1)–(4).

PURPOSE: The purpose of this proposed amendment is to amend sections (1), (2), (3) and (4) to update the criteria for classifying youth for placement in DYS facilities.

(1) A*[n adequate physical]* **medical**, psychological and *[sociological profile should]* **social history shall** be developed **for each youth** by the *[classifier]* **service coordinator**. Areas to be considered in *[this profile]* **developing** this **history** are listed as follows:

(A) *[Physical Examination and Review of]* Medical History. Special medical needs shall be evaluated to determine if such needs can be met by Division of Youth Services (DYS). If the needs can be met by DYS, then they should be identified, treated and explained in meaningful terms as to the impact they may have on the treatment process;

(B) Psychological *[Assessment]* **History**. *[Areas that should be profiled through formal and informal testing are listed as follows]* **If a youth's psychological history reveals the need for additional assessment, the following areas may be evaluated through formal or informal testing**:

1. Intellectual functioning;
2. Educational achievement;

[3. General personality assessment;]

[4.] **3.** Screening for organic impairment;

[5.] **4.** Drug abuse screening; and

[6.] **5.** Behavioral observation and personal interview (*[An informal personal interview and ongoing behavioral observation should be incorporated with formal assessment to further ascertain the youth's degree of socialization in the delinquent subculture.]* This information *[should]* **shall** be gathered through personal contact with parents, guardians, teachers, juvenile court staff and relevant others. This will assist the *[classifier]* **service coordinator** in his/her efforts to properly match the youth with the service category to which s/he may be assigned*[.]*); and

(C) *[Sociological Assessment]* **Social History**.

1. An evaluation of relevant past history should include retrieval and evaluation of any pertinent information in social histories, court records, school files, etc.

2. An evaluation of the present environment should include pertinent information concerning home, school and community conditions having an effect on classification.

(2) After developing an adequate individual *[profile]* **history**, the *[classifier]* **service coordinator** should determine services most appropriate as itemized in the following DYS continuum (available services listed in parentheses):

(A) *[Category I.]* **Community Based.** Services to maintain the youth in his/her own home or *[the home of a family-connected person]* **community** (placement directly into aftercare/**community care,** *[supervision, special services, contractual purchase of services]* **foster care, or special services**);

(B) *[Category II.]* **Community-Based Residential.** When *[category I is not helpful to the youth,]* **community-based services do not meet the needs of the youth, community-based residential services are provided in group homes, community treatment centers, and park camps; and** services provided to maintain the youth in a foster family or non-DYS group home setting (foster home services, aftercare supervision, special services, contractual purchase of services); **and**

[(C) Category III. When categories I or II are not helpful to the youth, services are provided to maintain the youth in appropriate DYS community residential care (DYS group homes, community treatment centers and park camps);]

[(D)] **(C)** *[Category IV. Where community maintenance is not helpful to the youth, services are provided to the youth in an appropriate institutional center; and]* **Moderate/Secure Residential Treatment. When community-based or community based residential services do not meet the needs of the youth or the community, services are provided to the youth in an appropriate residential treatment facility.**

[(E) Category V. When a youth has special needs that cannot be met by any of the services provided in categories I, II, III or IV, the classifier is referred to 13 CSR 110-2.070 of this chapter.]

(3) To be eligible for community *[placement in categories I, II or III]* **based services as provided in subsections (2)(A) and (B) of this rule**, the youth must meet the following *[criteria]* **guidelines**:

(C) Prior or committing offenses cannot be such that community reaction to the *[child's]* **youth's** immediate return to the community would negate any benefit the child might receive from community placement.

(4) General guidelines for classification and initial assignment of youth to *[category IV]* **a moderate/secure residential treatment facility** are listed as follows:

(A) There are no known community services presently available that will effectively provide for the youth's needs; *[and]*

(B) Direct intervention through institutional treatment would *[preclude the likelihood of damaging community treatment failures.]* **would increase the likelihood of successful community placement; and**

(C) General community safety issues have been considered.

AUTHORITY: section 219.036, RSMo [1986] ***1994****. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.050 Transfers from One DYS Residential Facility to Another DYS Facility. The division is amending the Purpose and sections (1)–(5).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) through (5) to update the procedures regarding transfer of youth from one DYS facility to another.

*PURPOSE: The purpose of this rule is to protect the rights and ensure the appropriate treatment of [juveniles] **youth** moved from one Division of Youth Services (DYS) facility to another. The procedure is to be used if a [youngster] **youth** has been inappropriately classified into a facility or if the facility is not meeting [his/her] **the youth's** needs. Residential care **services** are those services which provide twenty-four (24)-hour living accommodations and are operated by division employees. These facilities include group homes, park camps and institutions.*

(1) A**n** *[lateral]* **administrative transfer may be effected when a change in placement, either interagency or intragency, may better serve the needs of the youth. An administrative** transfer is a transfer from one (1) foster home to another, from one (1) community-based facility to another or from *[(1)]* one **(1)** institution to another.

(A) *[A lateral]* **Such a** transfer may be effected when one (1) or more of the following conditions are present:

1. An opening exists in a similar placement that is closer to the youth's home community;

2. A placement in a different area would provide access to a program(s) and that would be of special benefit to the youth; and

3. There is evidence the youth has potential to benefit from the program offered in his/her current placement but either internal or external forces make it difficult for him/her to obtain maximum value from the placement.

(B) The youth, his/her parent or guardian *[a member of the treatment staff]* **or site or service coordinator** may request *[a lateral]* **an administrative** transfer **in writing to the regional administrator and his/her designee**. The *[facility manager or the superintendent having programmatic responsibility for the youth may initiate a lateral transfer and is authorized to complete the transfer. S/he]* **regional administrator or his/her designee** shall *[consider]* **review the request and, if appropriate, shall authorize the transfer. In determining whether a transfer is appropriate** the following information as relevant in reaching a conclusion **shall be considered**:

1. Reasons offered both in support of and in opposition to the transfer;

2. Evaluation of the progress of the youth in the current placement; and

3. Availability of space in other programs and approval of the receiving facility manager. If this *[move]* **transfer** is across regional lines, then the appropriate regional administrator*[, institutional superintendent or assistant director should]* **or his/her designee shall** be involved.

(C) The *[facility manager or superintendent making the decision]* **regional administrator or his/her designee** shall notify, in writing, the youth, *[the]* **his/her** parents or guardian *[of the decision to transfer or not to transfer (if requested by the youth, parent or guardian) and the reasons for reaching this decision]* **and site or service coordinator of the decision as to whether the transfer is approved or disapproved and the reason therefore**. The decision shall be made within *[seven (7)]* **two (2) working** days of the request and a copy of the *[notice]* **transfer** shall be included in the youth's case record.

(2) A vertical transfer is a transfer from a community-based program to *[an institution]* **any DYS residential program**.

(A) A vertical transfer may be effected when—1) the youth poses a danger to the safety of other persons, *[either staff or youth, at the facility]* **staff, the site, or the community**; or 2) the youth will benefit more from the program(s) offered at *[an institution]* **the recommended site** than from the program(s) offered in the current placement.

(B) *[All of t]***T**he following procedures must be followed in order to effect a vertical transfer:

1. The *[youth, the parents or guardian of the youth or the person who has physical custody of the youth may request a transfer pursuant to this rule;]* **youth, parent or guardian, site or service coordinator may request a transfer;**

2. The request shall be in writing to the *[director]* **regional administrator** or his/her designee and shall state the reasons the transfer is being requested;

3. Upon receipt of the request, the *[director]* **regional administrator** or his/her designee shall appoint *[a three (3) member committee, with one (1) member designated as a chairperson, to hear evidence on the request. At least one (1) committee member shall be a supervisor. Other members may be selected from the aftercare workers, facility, treatment staff, classification specialists or other supervisors. All three (3) members of this committee shall be neutral and detached and shall not have worked directly with the youth in question prior to this time]* **a hearing officer and one or more parties who are neutral and objective to hold a hearing**;

4. The *[committee]* **hearing officer** shall set a date for a hearing on the question of transfer. *[In no event shall more than seven (7) days elapse between the time the request is received and the time the hearing is held;]* **This hearing shall be held within seven (7) calendar days from the date the request is received;**

5. The youth, *[the]* parents or guardian of the youth**,** and *[the person who has physical custody of the youth]* **the site or service coordinator** shall be given adequate and timely notice of the time and place of the hearing and of the reasons **therefore**, stated with specificity, that the transfer has been requested; and

6. The youth and the parents or guardian of the youth shall also be notified that the youth has the right to present evidence, to confront and cross-examine witnesses and to remain silent at the hearing. Further, the youth shall have the right to request a staff member or a parent or guardian or attorney to represent him/her at this *[proceeding]* **hearing**.

(C) Only information *[adduced]* **introduced** as evidence at the hearing shall be considered by the *[committee]* **hearing officer(s)**. The following are considered relevant to the determination: the treatment needs of the youth; and whether other programs, either community based or institutional, would provide a program(s) better suited to the needs of the youth.

(D) Within two (2) days of the hearing, the *[committee chairman]* **hearing officer(s)** shall notify, in writing, the youth, the parents or guardian of the youth and the person who has physical custody of the youth of its decision and the reasons *[for it]* **therefore**.

(3) An interagency transfer is a transfer from a program or facility operated by or under the control of the division to a program or facility operated by or under the control of another agency.

(B) The director or his/her designee may authorize an interagency transfer*[.]* **if,** *[A]***a**fter a careful examination of the youth's needs, s/he determines that the transfer should be effected.

[Within five (5) days after the decision to transfer is made] **After a decision for transfer is made**, the youth, his/her parents or guardian**, and the service coordinator** will be notified of the decision and the reasons for the transfer. One (1) copy of the notice will be retained in the youth's case record.

[(4) An emergency transfer is the transfer of a youth from any division program, community-based or institutional, to either another division facility or a court-approved detention center for a short period of time, not to exceed ten (10) days.

(A) An emergency transfer may be effected only when the youth poses a serious threat to the safety of staff or other youth or the youth is in a situation perilous to his/her safety.

(B) The following procedure must be used in order to effect an emergency transfer. The unit manager or institutional superintendent is authorized to approve and effect an emergency transfer. The unit manager or institutional superintendent shall notify the director or his/her designee of the decision to make an emergency transfer. Upon notification, the director or his/her designee shall initiate the same transfer proceeding that is used in effecting a vertical transfer. The youth shall be given a fair hearing before a special committee in accordance with paragraph (2)(B)3. of this rule, and the committee shall decide whether to replace the youth in the original facility or to place him/her in a different facility.]

[(5)] **(4)** Appeal of a Transfer Decision. When the decision is made to transfer the youth, the youth and the parents or guardian of the youth shall be notified of the right to petition the director for a hearing to review the decision in accordance with 219.051, RSMo *[1986]* **1994**.

*AUTHORITY: sections 219.021.4[.], **RSMo Supp. 1999** and 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded and readopted: Filed May 30, 1979, effective Sept. 14, 1979. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.060 Furlough Policies and Procedures. The division is amending sections (1)–(5).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) through (5) to update the policies and procedures relating to the furlough of youth.

(1) Requests for furloughs *[should be directed to the treatment team that works directly with the youth. The reason for and purpose of the furlough should be discussed. This should include consultation with the youth's aftercare youth counselor]* **require verbal and written approval by the service coordinator with written notification to required officials, parents or guardians, courts, and victim's rights respondents**.

[(2) If the cottage committee or treatment team feels the furlough is justified, then a recommendation should be sent to the immediate supervisor describing the justification for the furlough.]

[(3)] **(2)** Upon approval of the request *[by the immediate supervisor,]* **for furlough,** the *[treatment team should arrange transportation and notify the parents and aftercare youth counselor of the furlough and any other pertinent information]* **service coordinator or facility manager shall arrange for transportation**.

[(4)] **(3)** A furlough authorization form should be prepared to accompany the youth. (The form should identify the youth, state the date, and purpose of his/her furlough and include the name and phone number of the DYS residential facility authorizing the furlough.)

[(5)] **(4)** If a youth fails to return from furlough at the designated time, s/he should call to provide justification for his/her delay and to establish an estimated time of return. If the youth does not notify the facility or provide satisfactory justification for his/her delay, s/he *[should]* **shall** be considered a runaway **and a critical incident form shall be submitted**.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED RESCISSION

13 CSR 110-2.070 Day Release Procedures. This rule established guidelines for day release programs.

PURPOSE: This rule is proposed for rescission because the procedures for day release are outdated and have been superseded.

AUTHORITY: section 219.021 and 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.080 Runaway *[and Runaways Apprehended]* ***and Absconding Youth***. The division is amending sections (1) and (2).

PURPOSE: The purpose of this proposed amendment is to revise sections (1) and (2) to update the procedures relating to youth who run away or abscond.

(1) These procedures are to be followed in the case of runaways.

(A) Immediately upon the discovery and verification that a youth has run away, **the premises shall be secured and an immediate search will be conducted.** *[t]***T**he local police shall be notified and given the information *[they will need]* **necessary** to help locate the youth.

(B) *[As a general rule, if the youth is not apprehended within a relatively short period of time (about four (4) hours), then the youth's parents and the aftercare youth counselor shall be notified.]* **Upon apprehension or return to replacement the case will be reassessed and necessary treatment intervention made and documented.**

(C) If the youth is not apprehended during the initial search period, then *[an arrest warrant shall be sent to local police and to the police headquarters at the child's home community]* **the need for a pickup and detention warrant will be ascertained**.

(D) *[Whether or not the youth is apprehended, a certain amount of reporting must be accomplished. As soon as practical a written report shall be forwarded to central office to the supervisor. A copy of this report shall also be sent to the aftercare youth counselor. In addition to this report, a letter shall be sent to the youth's parents notifying them of the run and circumstances under which the run occurred. This is to be done even if the parents were previously called.]* **A critical incident report shall be prepared by the site supervisor or service coordinator. Upon apprehension, the pickup order/warrant will be canceled and notification given to appropriate local law enforcement, local juvenile officer, parent/guardian and service coordinator.**

(E) If the youth is not apprehended or does not return within fourteen (14) days, the youth will be placed on the inactive roll by the Division of Data Processing until apprehension or appropriate discharge.

(F) In the event the youth is not apprehended, has reached age seventeen (17), and has been on runaway status for six (6) consecutive months, the service coordinator shall recommend discharge.

(2) These procedures are to be followed when *[runaways are apprehended. In most cases the steps to be followed are simply necessary to reverse the actions taken in section (1) of this rule]* **a youth absconds from aftercare**.

(A) *[If the parents, local police and aftercare worker have been notified of the runaway and the youth is apprehended by division personnel, these same individuals shall be informed that the youth is back in DYS custody.]* **Upon notification that a youth has absconded, the service coordinator shall assess the immediate situation, consulting with parents or guardians and the service coordinator's supervisor to determine the necessary intervention. Upon completion of the assessment, if appropriate, a pickup order/warrant shall be issued.**

(B) Upon apprehension or return to placement, the case will be reassessed and necessary treatment intervention documented.

(C) If the youth is apprehended before central office has been notified of the runaway, this fact should be indicated on the report. If the youth was not apprehended and central office was notified, then a follow-up report should be sent to the appropriate supervisor indicating the youth is back in DYS custody.

(D) In the event a pickup order/warrant was issued, a letter will be sent to officially cancel the pickup order/warrant.

[(B)] **(E)** In those cases where written documents were forwarded to the various officials, these documents shall be rescinded with the written document, that is, if a letter was forwarded to the parents to notify them of the *[runaway]* **the youth's abscondence**, a letter will also be sent to notify them that the youth has been apprehended*[; and if an arrest warrant has been forwarded to the various police units, a letter will be sent to officially cancel the warrant]*.

(F) In the event a youth is not apprehended, has reached age seventeen (17) and has been on abscondence status for three (3) consecutive months, the service coordinator shall recommend discharge of the youth.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED RESCISSION

13 CSR 110-2.090 Hazardous Placement Policy. This rule delineated the procedures to follow in determining whether a proposed placement of a youth would place the youth into a hostile or unaccepting environment.

PURPOSE: This rule is proposed for rescission because the procedures are outdated and no longer applicable.

AUTHORITY: section 219.036, RSMo 1986. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Rescinded: Filed Feb. 10, 2000.

PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rescission is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.100 Grievance Procedures for Committed Youths. The division is amending sections (1)–(7).

PURPOSE: The purpose of this proposed amendment is to update sections (1) through (7) by deleting and revising certain provisions to ensure that, when youth in Division of Youth Services (DYS) residential facilities have a complaint, there is a procedure established for the timely submission and resolution of each complaint.

[(1) In an institution this procedure calls for the appointment of a grievance committee which will hear all grievances of students that cannot be resolved to the youth's satisfaction at the cottage committee or cottage-team level.]

[(2)] **(1)** Any *[student]* **youth** who has a grievance shall submit *[it]* **his/her grievance** in written form to the *[cottage committee or cottage team.]* **group leader or first line supervisor. Following receipt of the written grievance, the group leader and first line supervisor shall discuss the matter within five (5) working days and then subsequently interview the youth. A written decision shall be issued to the youth within three (3) working days after the interview. Copies of this decision shall be distributed to the youth, parent/guardian, service coordinator, site supervisor and regional administrator. If the decision is not satisfactory to the youth, the youth may present the grievance to the site supervisor or next supervisor in line within five (5) days of the original decision. The site supervisor may—a) review the grievance and, after meeting with staff, prepare a response within five (5) working days; or b) convene a grievance committee of three (3) staff members, one of which is the designated chairperson, to hear the grievance.** *[This committee shall reply, in writing, to the student, with a copy to the superintendent, of whatever action was taken concerning the grievance. If the reply is not satisfactory to the student, the student may then notify the superintendent in writing. The grievance will be conveyed to the grievance committee along with the action suggested or taken by the cottage committee.]* The *[student]* **youth** will be advised of the date the grievance committee will consider his/her complaint and the *[student]* **youth** may request that any person represent him/her at the hearing. The *[student]* **youth** will have the right to cross-examine, call witnesses or present any testimony in his/her behalf.

[(3)] **(2)** The findings of the grievance committee will be final. Records of action taken will be kept on file for future reference concerning policy or future complaints on the part of the *[student]* **youth**. The *[student]* **youth** will be given a copy of the findings and of other information s/he desires.

[(4)] **(3)** The grievance committee should be appointed by the *[administration of the institution]* **site supervisor of the facility**. *[The duty, however, may be assigned to an existing (other than cottage) committee, if the administration so chooses.]* The membership of this committee should represent a cross-section of the *[institutional staff]* **facility**. This committee shall consist of impartial members and this impartiality will be monitored by the *[administration of the institution]* **site supervisor**. Provision to disqualify any member who is directly involved in a particular grievance should be established.

[(5) Grievance procedures for group homes should basically follow the institutional format except, that if the grievance cannot be satisfied at the group home committee level, the regional administrator will act as an arbitrator and set the policy which will be considered final action on the matter. The student, however, will have the same right to present his/her case to the regional administrator in that the student may request any person to represent him/her at the hearing. S/he shall also have the right of cross-examination and to present witnesses for testimony in his/her behalf. The regional administrator shall maintain impartiality; and if for some reason s/he cannot be impartial, s/he shall appoint a third party to hear the grievance. Written procedure as outlined in this rule will be followed on the part of the student and staff.]

[(6)] **(4)** It shall be the duty of the *[administrator]* **site supervisor** of each program to oversee the implementation of the grievance procedure and interpret to youth and staff the following areas which will be considered for grievances: 1) physical abuse; 2) staff allowing physical abuse to a *[student]* **youth** by another *[student(s)]* **youth**; 3) lack of medical or dental treatment; 4) no opportunity for three (3) meals per day; 5) verbal abuse by staff; 6) lack of opportunity for recreational activities; 7) lack of opportunity for education; and 8) infringements upon religious tenets.

[(7)] **(5)** If in the implementation of this procedure, a staff member practices prejudice against the youth who has filed the grievance and this prejudice is found to be a result of the youth's complaint, the staff member concerned shall be subject to immediate dismissal.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.110 Responsibilities of Facility Managers. The division is amending section (1).

PURPOSE: The purpose of this proposed amendment is to update this rule to reflect current responsibilities of facility managers and the guidelines to follow for certain reports required by the division.

(1) The facility manager under direction of his/her immediate supervisor is accountable for the management of his/her *[unit]* **program**. His/her responsibilities include the implementation and monitoring of the treatment program, public relations, budget and personnel management and such reports as required by the division.

(A) *[Pre-transfer]* **Release** Progress Report. When it is determined by facility staff that a youth is ready for *[transfer]* **release** to aftercare, a progress report will be prepared. This progress report will include a summary of the youth's adjustment within the program, family relations as seen by the facility staff, *[placement plans,]* academic or vocational achievements and any other pertinent information *[such as medical problems, special services required, etc]*.

(B) *[Accident]* **Critical Incident** Reports. In the event an *[accident]* **incident** occurs involving an employee or a ward of the Division of Youth Services (DYS), a written report must be filed within twenty-four (24) hours. The report should include how the *[accident]* **incident** occurred, **a** copy of *[the]* **any** police report, *[if applicable]* and information concerning insurance, if applicable. If any injuries occurred, a report must also be sent to the *[child's]* **youth's** family and they are to be notified by phone immediately.

(E) *[Report of Reexamination]* **Six (6)-Month Review**. The institution, facility or unit having programmatic responsibility for the *[child]* **youth** at the time the *[report of reexamination]* **six (6)-month review** is due shall conduct a reexamination on each youth, no later than *[five (5)]* **six (6)** months after the youth is committed to and received by the Division of Youth Services. Subsequent *[reexaminations]* **reviews** will **continue to** be conducted at six (6)-month intervals. This *[reexamination]* **review** shall include a study of all current circumstances of the *[child's personal]* **youth's** family situation*[,]* **and** an evaluation of the progress made by the *[child]* **youth** since the previous *[study, and a determination of whether existing programs and dispositions should be modified or continued]* **review**. The *[institutional superintendents]* **facility managers**, or *[the]* regional administrator**s**, will have the responsibility to see that these *[reexaminations]* **reviews** are conducted on schedule and shall be responsible for reviewing the report as to content and the appropriateness of the disposition made, as well as reporting to the court and to the parent or guardian of the *[child]* **youth**.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.120 Administrative Decisions Affecting the Constitutional Rights of Youths in DYS Facilities. The division is amending sections (2)–(4).

PURPOSE: The purpose of this proposed amendment is to update the procedures relating to the rights of youth in DYS facilities.

(2) Mailing. The Division of Youth Services (DYS) reserves the authority to inspect mail of *[children]* **youth** in DYS residential care facilities for the purpose of detecting contraband. Mail may be opened in the presence of the *[child]* **youth** for this purpose only. Mail between child and attorney will not be subject to the inspection.

(3) Visitations. The Division of Youth Services recognizes the importance of family visits with the child as a means of maintaining and improving family relationships. Each Division of Youth Services residential facility shall establish a regular visiting schedule for the purpose of maintaining order in the treatment program. Each *[child]* **youth** and his/her family are to be advised in writing of the regular visiting hours at the time the child is received at the facility.

(4) Photographing and Fingerprinting. The division will comply with the letter, intent and spirit of the juvenile code, specifically section 211.151**.3**, *[subsection 2,]* RSMo *[(1986) in prohibiting the fingerprinting and photographing for identification purpose of the children committed to the Division of Youth Services. Law enforcement officers may fingerprint or photograph these children only by court order.]* **Supp. 1999**, **which provides that law enforcement officers shall fingerprint and photograph youth who are taken into custody for offenses that would be considered felonies if committed by an adult without the approval of the juvenile court judge**. **Youth taken into custody for status offenses or as victims of abuse or offenses that would be considered a misdemeanor if committed by an adult may be fingerprinted and photographed with consent of the juvenile court judge.**

*AUTHORITY: sections 219.036 and 219.051, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

*received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.130 Release of Youths from DYS Facilities. The division is amending sections (1) and (5)–(7).

PURPOSE: The purpose of this proposed amendment is to update the procedures for releasing youth from DYS facilities.

(1) *[Transfers]* **Release** to aftercare supervision *[(except direct classification into aftercare, hazardous placement cases and status offenders)]* shall be made under the following procedure:

(A) When it has been determined *[at]* **by the service coordinator and/or** the facility that a youth is eligible for *[transfer]* **release** to aftercare, *[subject to approval of the institutional superintendent or in community service facilities the regional administrator, the regional office will be requested by the facility to initiate a preplacement report. A final facility progress report will accompany the request for preplacement report]* **the service coordinator assigned to the case shall provide an aftercare plan and submit all required Division of Youth Services (DYS) paperwork to the service coordinator supervisor. The service coordinator shall notify the parent/guardian and the community and the committing court**; **and**

[(B) Within ten (10) days the aftercare youth counselor will complete his/her replacement report. Upon receipt of the report which was approved by the regional administrator, the facility will complete arrangements for the youth's release. The committing court, the appropriate juvenile officer, and the parent will be notified of the transfer into aftercare. The director's consent for release is necessary in hazardous placement cases and direct placements into aftercare including status offenders; however, if the committing court concurs with direct placement, the director's approval is not necessary; and]

[(C)] **(B)** Conditions of Aftercare Supervision. Transfer to aftercare supervision is a conditional release. The rules of placement to which the child shall agree prior to this transfer shall be the principal conditions of this transfer and violation of these conditions may result in revocation of aftercare supervision. The rules established by the division are as follows:

1. I will obey all city, state and federal laws;

2. I will report to the aftercare youth counselor as directed and immediately report any changes in residence, school, employment or other status;

3. I will not leave the state of Missouri, or alter any conditions of my placement agreement without the advance permission of the aftercare youth counselor;

4. I will obey the rules and instructions of my parents, foster parents or guardian. I will advise my aftercare youth counselor immediately if any problems arise in this area;

5. I understand that I *[may be]* **am** under the supervision of the *[Division of Youth Services]* **DYS** until discharged; and

6. Other special rules or conditions may be invoked to meet specific adjustment problems of the *[child]* **youth** in the community.

(5) Direct Discharge. Upon determining that the youth is no longer in need of supervision as recommended by the *[supervising aftercare youth counselor]* **service coordinator** and approved by the regional administrator, the youth shall be discharged.

(6) Expiration of Commitment. All youths under *[Division of Youth Services]* **DYS** jurisdiction *[will]* **may** be discharged upon reaching their *[18th]* **eighteenth** birthday.

(7) Notification of Termination of DYS Supervision. Missouri statutes provide that the division is required to immediately notify, in writing, the *[child]* **youth**, his/her parent or guardian**, the victim's rights respondent** and the committing court of the termination of its supervision over the *[child]* **youth**. *[The institution, facility or aftercare, whichever unit has programmatic responsibility for the child at the time of termination of supervision, will be responsible for giving the notification in writing immediately following the child's discharge form the division's jurisdiction.]*

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.140 Confidentiality of Case Records. The division is amending sections (2) and (3).

PURPOSE: The purpose of this proposed amendment is to revise the procedures pertaining to confidentiality of case records.

(2) School records maintained by the Division of Youth Services (DYS) may be shared with the school. Information other than DYS school records may be obtained by the school through the juvenile office.

[(2)] **(3)** Information may be disclosed to those persons or agencies actively involved in providing care or treatment services to the youth or his/her family*[. If inquiry is made by telephone, proper identification shall be determined before this information is given to authorized persons. If identification cannot be determined, a request in writing shall be required. After the file has been closed, no information shall be disclosed unless the request is accompanied by a waiver signed by the former client.]* **providing that a release of information has been signed by the youth's parent or guardian or upon a waiver signed by the former client.**

*AUTHORITY: section 219.061, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 2—Classification Services and Residential Care

PROPOSED AMENDMENT

13 CSR 110-2.150 Division of Youth Services *Staff* Training Programs. The division is amending section (2).

PURPOSE: The purpose of this proposed amendment is to update the rule by making technical changes.

(2) The division will also be responsible for extending training opportunities to other public and private *[child]* **youth** serving agencies, which are offering delinquency prevention and delinquency rehabilitative treatment services to *[children]* **youth** within the state as funds for such training are made available. The division, in conjunction with these public and private agencies, will initiate and facilitate an assessment of training needs. After the assessment all needs will be prioritized, and appropriate training will be jointly planned and initiated by qualified Division of Youth Services (DYS) staff, qualified staff or agencies served and/or by purchase of services from other qualified training consultants.

*AUTHORITY: section 219.016, RSMo [1986] **Supp. 1999**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.010 *[Initial Home Evaluation]* ***Individual Treatment Plans***. The division is amending sections (1) and (2).

PURPOSE: This amendment deletes and rewrites this rule to make necessary changes in terminology.

[(1) Each aftercare worker will be required to supplement the court history data that is received from the specific county juvenile court from which a youth is committed to the division. This investigation will be one of the most important documents that the aftercare worker will compile. It will be used by the institutional staff and the aftercare worker in the ultimate placement planning for each youth's future release, as well as a vehicle for institutional treatment. Some duplication of previous studies may be necessary; yet this study should deal with the present situation and problems. This investigation will be completed within fifteen (15) calendar days following the youth's admission to the division. The evaluation shall be completed under the following outline:

(A) Presenting Problem—complete record of previous delinquency; view of parent's reasons for causes of problems; extend this view with views of community, agencies, etc;

(B) Development History—present physical state of child; past physical state of child; any physical abnormalities; any psychological problems; any health insurance and number; family doctor and dentist; any military benefits; description of home, etc;

(C) Family Profile.

1. All members of the family giving age, education, employment, etc.

2. Describe interpersonal relationships.

3. Indicate need for placement out of home (obtain name, addresses of relatives and friends interested in youth).

4. Aftercare volunteers—sponsor.

5. Religion;

(D) Social Security information—child's Social Security number; parents' Social Security number; description of public assistance benefits, including name of family service worker and worker's impressions;

(E) Education and vocation—records of last school and information from school personnel regarding child and peer relationships; and child and staff relationships.

1. Information regarding vocational interests or previous training and results.

2. Any test score.

3. Employment of child, place and length of job.

4. Note child's interest and state child's weaknesses; and

(F) Aftercare impressions and recommendations—indicate preliminary possibilities for youth's placement and explain specific needs of youth.

(2) Procedure for hazardous placement cases requires that these cases be identified by the aftercare youth counselor at the time of the initial home evaluation (see 13 CSR 110-2.090).]

(1) An individual treatment plan (ITP) shall be developed by the Division of Youth Services service coordinator for the purpose of meeting individual youth and family needs. The ITP shall also serve to record case activity and fulfill requirements for official notifications.

(A) ITP procedures are as follows:

1. The services coordinator shall initiate a written ITP within thirty (30) days of the commitment date. The treatment plan should involve the youth and his/her parent or guardian. The ITP shall be submitted within forty-five (45) days of

commitment, and distributed to the youth, family, court and facility;

2. Involvement of the parent or guardian is encouraged;

3. The service coordinator shall meet with youth in residential care at least once per month and shall meet with the youth on aftercare twice per month;

4. Information contained in the ITP shall include, but not be limited to:

A. Family history (including mental health, criminal, or division of family services case information);

B. Education/vocation;

C. Youth's strengths/weaknesses; and

D. Youth's health/mental health; and

5. The service coordinator shall include the preliminary possibilities for the youth's placement and needs of the youth to be considered for aftercare placement.

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivision less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3–Aftercare Responsibilities

PROPOSED RULE

13 CSR 110-3.015 Safe Schools Act Procedures

PURPOSE: The purpose of this rule is to identify offenses which are included in the 1996 Safe Schools Act (HB 1301) and to require an educational plan be developed for youth in DYS custody who are involved in Safe School Act violations.

(1) A written education plan shall be developed by the service coordinator for those youth who are precluded from returning to public/private school under the Safe Schools Act because of misconduct involving violations of the Act including, but not limited to, the following offenses:

(A) First degree murder;
(B) Second degree murder;
(C) Kidnaping when classified as a class A felony;
(D) First degree assault;
(E) Forcible rape;
(F) Forcible sodomy;
(G) First degree robbery;
(H) Distribution of drugs;
(I) Arson;
(J) Involuntary/voluntary manslaughter;
(K) Second degree assault;
(L) Sexual assault;
(M) Felonious restraint;
(N) Property damage; or
(O) Possession of a weapon.

(2) In accordance with section 211.321.1 and .2, RSMo Supp. 1999, the juvenile officer is further authorized to make public, information concerning the offense and court proceedings as long as it does not identify the youth or the youth's family. Records of dispositional hearings for youth adjudicated for felony offenses shall be open to the public. Social summaries, investigations or updates and status reports after the dispositional hearing shall remain confidential and may be opened for inspection only by order of the court.

AUTHORITY: section 219.036, RSMo 1994. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.020 Aftercare Involvement During Residential Treatment. The division is amending the Purpose and sections (1)–(4).

PURPOSE: This amendment updates the rule relating to aftercare involvement during residential treatment.

*PURPOSE: The purpose of this rule is to outline the [aftercare youth counselor's] **service coordinator's** involvement with facility staff, the youth, his/her family and the community to facilitate appropriate treatment and aftercare planning while the youth is in a residential treatment program.*

(1) Involvement with Youth and Facility. Facility visits by the *[aftercare youth counselor are encouraged; however, the scheduling of these visits will be approved by the regional administrator]* **service coordinator shall occur at a minimum of once per month**. The facility visits will allow for joint planning **transition** involving the *[aftercare youth counselor (AYC)]* **service coordinator**, the youth and the facility personnel. *[This will allow for joint counseling and coordination of treatment services between the facility staff and aftercare worker. It also provides for the developing of the relationship between the aftercare youth counselor and the youth.]*

[(2) Family Counseling. The aftercare youth counselor's efforts in family counseling will be directed toward coordinating treatment provided at the facility with family preparation for the youth's return to the home, and when possible, coordinate his/her visit to the facility with the family's visit to the facility.]

[(3)] **(2)** Community Preparation. This involves creating a climate which will allow for the youth to be reintegrated into the community by providing for educational, vocational, employment and

health needs. Community preparation would also involve anticipating adverse reactions from the community and helping the community and the youth to deal with those problems.

[(4) Preparation of Placement Plan. It is the function of the aftercare worker to submit a community placement plan within ten (10) days after it is requested by the specific facility. The placement plan should be a brief, yet comprehensive analysis of the conditions under which the child will be returned to the community.]

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.030 Aftercare Supervision. The division is amending sections (1), (2), (4), (5), (6) and (7).

PURPOSE: The purpose of this amendment is to update the rule outlining the responsibilities and procedures for the supervision of youth in aftercare.

(1) Community Placement. It is the responsibility of the *[aftercare youth counselor (AYC)]* **service coordinator** to provide treatment services for the client and his/her family.

(2) Case Recordings. The *[aftercare youth counselor]* **service coordinator** shall maintain the following records:

(A) A record of dates and type of contacts made on each *[individual client]* **youth**; **and**

(C) It is mandatory that each six (6) months an evaluation be completed on all *[children]* **youth** committed to the Division of Youth Services (DYS) *[to determine if existing dispositions should be modified or continued (see 13 CSR 110-2.110(1)(E))]*.

(4) Foster Care. Except in cases of emergency, children under Division of Youth Services supervision and placed in foster homes funded by DYS shall be so placed only after an evaluation of the home has been completed. This evaluation shall include, but not be limited to, the adequacy of the home, family stability and composition and the motivation and ability of the foster parents to provide foster care.

(A) Preparation for Placement. It is the responsibility of the *[aftercare youth counselor]* **service coordinator** to prepare the family and the *[child]* **youth** for the impending placement. That preparation may include, but not be limited to, the following:

1. Counseling and training with the foster family;

2. Preplacement visits between the child and the foster family;

3. Explanation of agency rates of payment and guidelines for expenditures of money in the foster child's behalf;

4. Evaluation of any other income the child might have, such as Social Security benefits, Veteran's Administration benefits, etc., as well as the youth's family's financial situation. The applicability of these funds to the child's needs will be determined by the regional administrator;

5. Discussion of arrangement for payment of special needs, such as, medical expenses, educational or therapeutic, etc; and

6. All foster homes will be approved prior to the child's placement by the regional administrator. All foster home placements will be approved by the regional administrator.

(B) Services to Family and *[Child]* **Youth**. The *[aftercare youth counselor]* **service coordinator** will provide services to the youth and foster family as well as **the** youth's family.

(5) Contractual Services. The need for the services will be determined by the regional administrator prior **to** the placement of a youth. The regional administrator will *[clear with the special services administrator that funds]* **ensure that funds** are available.

(6) Return to Facility (Shelter). A temporary return of the *[child]* **youth** in aftercare to the institutional facility for reasonable cause may be permitted upon the recommendation of the *[youth counselor]* **service coordinator** with the approval of the regional administrator. Reasonable cause is to be determined only upon the basis of need for alternative placement with none immediately available. Where the *[child]* **youth** is returned for shelter, every effort is to be made by the *[aftercare worker]* **service coordinator** to complete alternate placement plans within thirty (30) days. A report will be submitted each week that the youth is in shelter over thirty (30) days. The report will be submitted to the regional administrator justifying the continued need for shelter and outlining plans for alternative arrangements with a copy to the facility providing shelter. When a placement is established by the *[AYC]* **service coordinator**, s/he will notify the facility and make arrangements for the youth to be released with the approval of his/her supervisor.

(7) Return to Facility (*[Aftercare Supervision Violators]* **Sanction**). Procedure for the return of youths held in violation of the conditions of aftercare supervision is outlined in 13 CSR 110-3.040 and 13 CSR 110-3.050.

(8) Discharges from Aftercare Supervision. Section 219.026, RSMo *[(1986)]* **1994** requires the division to immediately notify in writing the *[child]* **youth**, his/her parent or guardian**, victim's rights respondent** and the committing court of the termination of its supervision over the *[child]* **youth**. *[The institution, facility or aftercare, whichever unit has programmatic responsibility for the child at the time of termination of supervision, shall be responsible for giving such notification in writing immediately following the youth's discharge from the division's jurisdiction.]*

*AUTHORITY: section 219.036, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entitles more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P. O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.040 Revocation of Aftercare Supervision. The division is amending the Purpose and sections (1)–(3).

PURPOSE: This amendment updates the procedures for the apprehension, detention and revocation of youth on aftercare.

PURPOSE: The purpose of this rule is to provide a standard procedure for the apprehension, detention, and revocation of [children in] ***youth on*** *aftercare.*

(1) The director, at any time after the *[child]* **youth** is placed in aftercare and before order of discharge is issued, may order the *[child's]* **youth's** apprehension without notice to the *[child]* **youth** by the issuance of a warrant for his/her apprehension and detention. Any *[aftercare counselor]* **service coordinator** assigned to supervise *[children]* **youth** in aftercare, or any other employee designated by the director, may apprehend a *[child]* **youth** without a warrant or may issue such warrant to law enforcement officials, when in the judgment of the *[aftercare counselor]* **service coordinator**, the *[child]* **youth** has violated the conditions of his/her placement and his/her presence in the community is considered dangerous to him/herself or to the community, or when the *[child]* **youth** may flee the jurisdiction of the division. When the *[child]* **youth** is detained, the *[counselor]* **service coordinator** shall present to the detaining authority a statement of the circumstances of **the** violation.

(2) Preliminary Hearing. Whenever revocation of aftercare is to be considered, the staff of the aftercare services of the Division of Youth Services (DYS) shall hold **a** preliminary hearing to determine if there is reasonable cause to believe that the *[child]* **youth** has violated an aftercare condition.

(A) At no time shall the hearing officer be the *[child's aftercare counselor]* **youth's service coordinator** assigned to supervise the *[child]* **youth**. Any other *[aftercare counselor]* **service coordinator** or supervisor may act in this capacity, except that the designation as the hearing officer of a supervisor giving direct supervision to the *[counselor]* **service coordinator** assigned to supervise the *[juvenile]* **youth** should be avoided.

(C) The *[child]* **youth** and his/her parent or guardian, or the person with whom the *[child]* **youth** has been placed or other responsible adult, **as well as the victim's rights respondent** shall be given notice that the hearing will take place and that the purpose of the hearing is to determine whether there is probable cause to believe that the *[child]* **youth** is in violation of the conditions of aftercare supervision and aftercare supervision should be revoked.

(D) At the hearing, the *[child]* **youth**, his/her parent or guardian or responsible adult and legal counsel, if any, may appear and speak in the *[child's]* **youth's** behalf. They may bring and present documents and other evidence relating to the allegation against the *[child]* **youth**. They may present witnesses in *[his/her]* **victim's** behalf, but testimony of the witnesses must be relevant to the alleged violation. The *[child]* **youth** may request that persons, who have given evidentiary testimony on which the allegation is based, be made available for questioning in *[his/her]* **the youth's** presence at the hearing; however, if the hearing officer determines that the informant would be subject to risk or harm if his/her identity were disclosed, *[s/he]* **the hearing officer** may excuse the informant from confrontation or cross-examination by the *[child]* **youth**, his/her parents, guardian, responsible adult or counsel.

(E) The hearing officer shall make a summary *[or digest]* of the hearing including an explanation of the evidence presented by the *[child]* **youth** and by the *[aftercare counselor]* **service coordinator**. Based on the information before him/her, the **hearing** officer will determine whether there is probable cause to *[hold the child for the final decision of the director on revocation of]* **revoke the youth's** aftercare supervision.

(F) A determination that probable cause exists is sufficient to warrant the *[child's]* **youth's** continued detention and s/he shall be returned to a*[n institution or]* facility of the Division of Youth Services *[pending the final decision]*.

(G) If the hearing officer does not find probable cause to revoke aftercare supervision, the *[child]* **youth** will be returned to active aftercare supervision. Further conditions for supervision may be imposed on the *[child]* **youth** *[if the hearing officer believes they are justified]*.

(3) Dispositional Hearing or Review. If the *[child]* **youth** is returned to a*[n institution or]* facility of *[Division of Youth Services]* **DYS**, *[s/he]* **the youth** and his/her parents or guardian will be given an opportunity to petition on a form provided by the division for a dispositional hearing prior to the final decision on revocation of aftercare supervision by the director or his/her designated representative. If the *[child]* **youth**, his/her parent or guardian does not petition for such a dispositional hearing, the director, or his/her designee, will review the findings of the hearing officer at a probable cause hearing and other pertinent case material and will then make a final disposition of the recommendation for revocation of aftercare supervision.

(A) If the *[child]* **youth**, his/her parent or guardian shall petition for a dispositional hearing, the director, or his/her designee shall convene a hearing at the institution where the *[child]* **youth** resides within thirty (30) days of the receipt of the written request for a hearing.

(B) The *[child]* **youth**, his/her parent or guardian shall have the right to be represented by counsel, call and question witnesses and cross-examine those witnesses appearing against the *[child]* **youth**. *[The Division of Youth Services]* **DYS** shall not bear the cost or expenses of witnesses or attorneys requested by the *[child]* **youth**, his/her parent or guardian.

(C) The individual conducting the dispositional hearing shall deliver his/her decision in writing to the *[child]* **youth**, his/her parent or guardian within five (5) days of the close of the dispositional hearing. The decision shall clearly set forth the evidence presented, a summary of the testimony elicited and the decision of the individual conducting the hearing.

AUTHORITY: sections 219.036 and 219.051, RSMo [1986] ***1994****. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be

*received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.050 Instructions for the Implementation of Revocation Procedure. The division is amending sections (1)–(4) and (6)–(12) and Appendices ii and iii.

PURPOSE: This amendment updates the guidelines for the implementation of procedures to be followed in the revocation of aftercare supervision and return of youth to an institution or facility.

(1) Apprehension and Detention. Whenever a youth in aftercare is apprehended and detained pending further inquiry into alleged violation(s) of the conditions of aftercare supervision, his/her apprehension and detention will be effected in accordance with the Division of Youth Services (DYS) rules governing these matters. Arrangements will be made for the preliminary hearing, to be held at the earliest reasonable time at or near his/her place of detention or the home community, to determine if there is probable cause to believe that the youth is in substantial violation of the conditions of aftercare supervision and is in need of return to the DYS facility as an aftercare violator. The *[child]* **youth** and his/her parent or guardian shall be promptly notified of the alleged violations and of the time and place of the hearings (DYS Form RAS—13, see appendix i**, which is hereby incoporated by reference in this rule**).

(2) Initiation of Probable Cause Hearing. Ordinarily the *[supervising aftercare youth counselor (AYC)]* **service coordinator** will request the probable cause hearing when, in his/her own opinion, the youth in aftercare is considered to be in violation of the conditions of his/her placement and revocation is recommended. It is not necessary to place the *[child]* **youth** in detention prior to scheduling a probable cause hearing. Whether or not the youth is apprehended and detained depends upon the judgment of the *[aftercare counselor]* **service coordinator** as to whether or not his/her presence in the community is considered dangerous to him/herself or to others in the community or the *[child]* **youth** might flee from Division of Youth Services jurisdiction.

(3) Disposition of Alleged Law Violation. Upon being advised that a youth in aftercare is being held subject to a court for an alleged commission of a new offense, which would also be a violation of the conditions of aftercare supervision, the *[supervising AYC]* **service coordinator** or the supervisor will contact the court or a staff member of the court authorized to make decisions in these matters to determine whether the alleged violator is to be handled administratively by the division or is to be handled judicially by the court. The division and/or the court may request the law violation to be handled judicially, if in the opinion of the court or DYS the *[child]* **youth** is no longer considered amenable to treatment as a juvenile.

(B) If it is mutually agreed upon by the *[aftercare youth counselor]* **service coordinator** or his/her supervisor and the court representative that the matter should be handled through the division's revocation processes, proceedings will be initiated promptly in accordance with the division's established revocation procedure. This agreement will be verified in writing with the court by the *[AYC]* **service coordinator**.

(C) In determining whether or not a youth is in violation of the conditions of the placement as a result of the new law violation, when the youth denies his/her involvement in the law violation, a thorough investigation by the *[supervising AYC]* **service coordinator** should be made concerning the allegation and the probable cause hearing officer will need to determine whether or not a preponderance of information indicated that there has been a law violation. This holds true equally in regard to any allegation of violation of aftercare conditions. Since the youth does have a right to confront his/her accusers even though the allegation of law violation may be based upon a comprehensive police report, the youth should have a chance to question the officer making the report and the officer should have an opportunity to confirm statements which s/he has made. If further witnesses are needed, they should be requested to attend the hearing; however, if it is felt that the witnesses' safety would be jeopardized by being present at the hearing, their presence will not be solicited.

(4) Legal Representation. If the youth, his/her parents or guardian wish to have their attorney present they should be advised that they are free to do so, however, the attorney should be advised that this is not a judicial hearing, that it is administrative procedure and informal in nature. The division is required to see that a *[child]* **youth** is represented by an attorney only if it is felt that the *[child]* **youth** and/or his/her parent or guardian is incapable of understanding the consequences of the procedure and would be incapable of presenting information in the youth's behalf. If the hearing officer is of the opinion that the counsel is needed and is not otherwise available to the youth, the hearing officer should immediately inform the *[special services]* **regional** administrator.

(6) Notice of Preliminary Hearing. The DYS Form RAS—13, "Notice of Probable Cause Hearing," contains a statement advising the *[child]* **youth** and his/her parent or guardian that the probable cause hearing is a fact-finding hearing, that the youth will be asked to participate. It cautions the youth that the information given may be held against him/her in determining whether or not s/he is to be returned to a DYS facility or possibly in a court of law. Also it advises him/her that s/he will not be forced to give any information if s/he does not wish to do so. It is considered that this is sufficient warning for the purpose of the hearing since this is not a judicial hearing, but rather an administrative hearing.

(7) New Information. In the event new information develops during the course of the Probable Cause Hearing which would implicate the youth in further violations of the conditions of his/her placement and where these violations would adversely affect the decisions of the hearing officer, that is, probable cause would not be found without the new information, either a second probable cause hearing should be scheduled in which the youth should have an opportunity to prepare to respond to the new allegations or s/he should sign a statement waiving his/her right to a second probable cause hearing. The parent, guardian or responsible adult should also sign the statement. The allegations as contained in the RAS—13, "Notice of Probable Cause Hearing," **which is hereby incorporated by reference in this rule,** as well as the RAS—14, "Summary Report of Probable Cause Hearing," should cite the specific conditions or rules of aftercare which have been violated and the date and allegations which are in violation of the particular condition(s) of aftercare supervision.

(8) Summary Report—RAS—14 "Summary Report of Probable Cause Hearing." This summary report shall be prepared within five (5) days following the hearing. This summary report should be complete enough to give the reader an understanding of the information leading to the finding of the hearing officer, and if revocation is recommended, the report should include the reasons why the recommendation of revocation is being made. It should include information to show why the *[child]* **youth** should not continue in the community, but needs to be returned to a facility for further treatment.

(A) If probable cause is not found, the hearing officer or the *[supervising AYC]* **service coordinator** should promptly arrange for the *[child]* **youth** to be released (if detained) and returned to active aftercare supervision.

(B) Where probable cause is found, the *[child]* **youth** should promptly be returned to the DYS facility (DYS Form RAS—14, see appendix ii).

(9) Notice of Right to Dispositional Hearing. When a *[child]* **youth** is returned to an institution or a facility following the probable cause hearing, s/he should promptly be given an RAS—15, "Notice of Right to Dispositional Hearing." This form contains a statement for the youth's signature indicating that s/he either requests or does not request the dispositional hearing. A copy of this form is sent to the parent or guardian. To each copy, one (1) given to the youth and one (1) forwarded to the parent or guardian, there should be attached a copy of the RAS—14, the "Summary Report of the Probable Cause Hearing." It is expected that the copy bearing the *[child's]* **youth's** signature, and indicating his/her request regarding the hearing, will be mailed to central office by the facility within ten (10) days after the youth's return (DYS Form RAS—15, see appendix iii**, which is hereby incorporated by reference in this rule**).

(10) Disposition. If the *[child]* **youth** or his/her parents or guardian do not petition for a dispositional hearing, the dispositional hearing officer will make disposition for the recommendation for revocation after reviewing all the information submitted on the matter.

(11) Dispositional Hearing. A request for a hearing made by a *[child]* **youth**, his/her parent or guardian will result in a dispositional hearing being conducted within thirty (30) days of receipt of the request at the division's central office. The *[child]* **youth**, his/her parent, guardian, pertinent witnesses (if any) and the *[child's]* **youth's** legal counsel (if any is known to the division) will be notified of the time and place of the dispositional hearing.

(12) Report of Dispositional Hearing. Within five (5) days after the dispositional hearing, the hearing officer will deliver a decision and prepare a summary report of the hearing. Copies of this report will be supplied to the parent or guardian and to the *[child]* **youth**. If in the opinion of the dispositional hearing officer, there is not sufficient basis for revocation, either as a result of the hearing, or of the review when a hearing is not conducted, the dispositional hearing officer is authorized to have the *[child]* **youth** returned to active aftercare supervision. If the hearing officer determines that there is a preponderance of information to indicate aftercare supervision should be revoked, the supervision will be terminated and the youth will be assigned to an appropriate facility for further care and treatment.

*AUTHORITY: sections 219.036 and 219.051, RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Appendix i

RAS—13

Notice Of Probable Cause Hearing

To:_____ Date:_____
_____
_____

Aftercare Youth Counselor_____ alleges that you have violated the conditions of aftercare supervision as follows:

1._____
2._____
3._____

A Probable Cause Hearing to determine if you have violated your aftercare conditions scheduled on:_____ _____ at_____am/pm at_____.

Failure to appear for this Hearing will be sufficient cause for your apprehension and detention to assure a Probable Cause Hearing. This will be a fact finding hearing in which you will be asked to participate. The information you give may be held against you in determining whether or not you are to be returned to a DYS facility. You will not be forced to give information if you do not wish to do so.

_____
Regional Supervisor

PARENT OR GUARDIAN NOTE: As _____ parent/guardian, you are urged to attend this hearing.

Prepare 4 copies
1 to Juvenile
1 to Parent or Guardian
1 to Aftercare Counselor for file
1 to Central Office for file

Appendix ii

RAS—14

Summary Report

PROBABLE CAUSE HEARING
(Fact Finding)

Date:_____ Re: _____
_____
Institution and number

Place: _____
_____
_____

Time: _____

Allegations:
1.
2.
3.

Witnesses for Youth Present at Hearing:
1.
2.
3.

Documents Presented in Evidence:
1.
2.
3.

Record of Proceedings and Summary:
(Attach a second page if additional space is needed.)

Prepare Four (4) copies
2 to Central Office
1 to Parent Institution or facility
1 to *[Aftercare Counselor]* **service coordinator** for file

Appendix iii

RAS—15

Notice of Right to Dispositional Hearing

To: _____
From: _____

It has been determined that probable cause exists that you have violated conditions of your placement in aftercare and you have been returned to _____ upon a recommendation issued on _____ (date).

You or your parent or guardian have the right to request a hearing by the Director or his/her designated representative before the decision is made to revoke Aftercare Supervision.

The following rules govern this revocation hearing:

1. You will have five (5) days to respond advising the Director that a final hearing is requested. You will have an additional five (5) days to prepare for the hearing. Additional time may be permitted upon request. Failure to respond within the 5-day period will be considered as a waiver of your right to a hearing, but an administrative review of the recommendation to revoke will be conducted by Division of Youth Services.
2. If a final hearing is requested, you will be given a written notice of time and place of hearing.
3. You will appear in person and you may be represented by counsel.
4. You may present witnesses and letters or other documents.
5. You may request the appearance of witnesses who have given adverse information about you.
6. After the hearing you will be given a written statement as to the evidence relied upon the reasons for the decision made at the hearing.

Expenses of witnesses and counsels may not be paid by the state.

Attached is a copy of the Summary Report of the Probable Cause Hearing (RAS—14). This notice was given to you on the date and time shown below:

Date: _____ _____
Signature
Time: _____ _____
Title

☐ I request a dispositional hearing
or
☐ I do not request a dispositional hearing

_____
Signature of youth/parent/guardian

Prepare 5 copies
1 to Juvenile
1 to parent or guardian
1 to Central Office
1 to Institution
1 to *[AYC]* **service coordinator**

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 3—Aftercare Responsibilities

PROPOSED AMENDMENT

13 CSR 110-3.060 Grievance Procedure for *[Children]* *Youth* in Aftercare. The division is amending section (1) and (2).

PURPOSE: This amendment updates the rule regarding the grievance procedure for youth in aftercare.

(1) Complaints. Should a youth on placement, his/her parent or his/her guardian or foster parent, have a grievance concerning treatment supervision, or the lack thereof, or other relevant concern while on placement, s/he, in writing, may file a grievance with the appropriate regional administrator. The administrator will make a decision and advise the youth and the *[aftercare worker]* **service coordinator** with regard to the decision made in the matter. Appropriate written records will be maintained concerning disposition of the matter.

(2) Instructions. It shall be the duty of the administrators of each program to oversee the implementation of the grievance procedure and interpret to youth and staff the following areas which will be considered for grievances:

(B) Staff allowing physical abuse to a *[child]* **youth** by another *[child]* **youth** in aftercare;

*AUTHORITY: section 219.051[.(1)], RSMo [1986] **1994**. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Feb. 10, 2000.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed amendment is not estimated to cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 5—Dual Jurisdiction

PROPOSED RULE

13 CSR 110-5.010 Dual Jurisdiction Procedures

PURPOSE: The purpose of this rule is to define dual jurisdiction and its provisions and procedures.

(1) Section 211.073, RSMo Supp. 1999 provides that a court may, in a case when the offender is under seventeen (17) years of age and has been transferred to a court of general jurisdiction pursuant to section 211.071 and whose prosecution results in a conviction or plea of guilty, invoke dual jurisdiction of both the criminal and juvenile codes. The court is authorized to impose a juvenile disposition under section 211.073 and, simultaneously, impose an adult criminal sentence, the execution of which shall be suspended. Successful completion of the juvenile disposition ordered shall be a condition of the suspended adult criminal sentence. The court

may order an offender into the custody of the Division of Youth Services if—

(A) A facility is designed and built by the division specifically for these offenders and the division determines that space is available, based on the design capacity, in the facility; and

(B) The division agrees to such placement.

(2) The director or his/her designee shall interview and evaluate the offender to determine if the offender is appropriate for the dual jurisdiction program pursuant to section 211.073, RSMo.

(3) Upon approval or disapproval of the offender for dual jurisdiction commitment, the division director shall submit notification to the court for the reasons and conditions thereof.

(4) If there is probable cause to believe that the offender has violated a condition of the suspended sentence or has committed a new offense, the court shall conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established the court may revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order that they may see fit.

(5) When the offender has received a suspended sentence pursuant to section 211.073, RSMo and the division determines that the youth is beyond the scope of its treatment programs, the division may petition the court for a transfer of custody of the offender. The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(6) When an offender reaches the age of seventeen (17) the court shall hold a hearing. After such hearing the court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections;

(B) Direct that the offender be placed on probation; or

(C) Direct that the offender remain in the custody of the Division of Youth Services if the division agrees to such placement.

(7) The division shall petition the court before it releases an offender who has remained in its custody until the age of twenty-one (21). The court shall—

(A) Revoke the suspension and direct that the offender be taken into immediate custody of the Department of Corrections; or

(B) Direct that the offender be placed on probation.

(8) If the suspension of the adult criminal sentence is revoked, all time served by the offender under the juvenile disposition shall be credited toward the adult criminal sentence imposed.

AUTHORITY: sections 211.073 and 219.036, RSMo 1994 and 219.016, RSMo Supp. 1999. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 110—Division of Youth Services
Chapter 6—Juvenile Crime Bill

PROPOSED RULE

13 CSR 110-6.010 Juvenile Crime Bill Provisions and Procedures

PURPOSE: The purpose of this rule is to identify relevant areas which are affected by the 1995 Juvenile Crime Bill (HB 174).

(1) The following are the key provisions of the Juvenile Crime Bill which makes significant changes in the treatment of juvenile offenders.

(A) Lowers the minimum age of adult certification for a felony from age fourteen (14) to age twelve (12).

(B) Allows adult certification of juveniles of any age if they are repeat offenders or if they commit one of the following seven (7) serious offenses:

1. First degree murder;
2. Second degree murder;
3. Kidnaping;
4. First degree assault;
5. Forcible rape;
6. Forcible sodomy;
7. Burglary first.

(C) Allows a court to invoke the dual jurisdiction of both the criminal and juvenile codes when an offender under seventeen (17) years of age has been transferred to a court of general jurisdiction and been convicted or pled guilty.

(D) Allows juvenile adjudications to be used as evidence in adult court for future offenses.

(E) Allows judges to commit youth to the custody of the division for a minimum length of stay.

(F) Removes the minimum age a youth can be committed to the division and allows the division to keep a youth beyond his/her eighteenth birthday with court approval.

(G) Requires fingerprinting and photographing of juveniles taken into custody for a felony offense.

(H) Gives additional rights to crime victims.

(I) Allows increased information sharing among parties involved with the juvenile offender, such as schools and prosecutors.

AUTHORITY: sections 211.068, 211.071, 211.073, 211.141, 211.171, 211.181, 211.321 and 219.021, RSMo Supp. 1999 and 219.036, RSMo 1994. Original rule filed Feb. 10, 2000.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than $500 in the aggregate.

PRIVATE COST: This proposed rule is not estimated to cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Youth Services, Office of the Director, P.O. Box 447, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 40—Division of Maternal, Child and Family Health
Chapter 3—The Sudden Infant Death Syndrome (SIDS) Program

PROPOSED AMENDMENT

19 CSR 40-3.010 Administration of the SIDS Program. The department is amending subsection (1)(C).

PURPOSE: This amendment is to implement changes to 194.117, RSMo, Sudden Infant Death, that require the child death pathologist to ensure that a tangible summary of the autopsy results is provided to parents or guardians of a child who has died from sudden infant death syndrome within one week after the autopsy is performed; that require the Department of Health to develop a form letter which includes a statement informing parents or guardians of the right to receive the full autopsy results in cases of suggested sudden infant death syndrome cases; and that require the certified death pathologist, upon request by the parents or guardians, to release the full autopsy results to the parents, guardian, or family physician within thirty days of such a request.

(1) In the event of the sudden and unexplained death of any infant one (1) week to one (1) year of age—

(C) *[The Missouri Department of Health shall ensure, through verification with the coroner/medical examiner, the certified child death pathologist, or other representatives duly authorized by county government, that the results of the autopsy were shared with the parent(s) or guardian(s) of the child, and that the parent(s) or guardian(s) were provided with informational material and counseling sources;]* **The certified child death pathologist shall ensure that a tangible summary of the autopsy results is provided to the parents or guardian of the child and shall provide informational material on the subject of sudden infant death syndrome to the family within one week after the autopsy is performed. Performed is defined as the completion of the autopsy including, but not limited to, laboratory results and any other testing, as indicated. The certified child death pathologist shall, upon request by the parents or guardian, release the full autopsy results to the parents, guardian, or family physician in cases of suspected sudden infant death syndrome within thirty (30) days of such request. The tangible summary and full autopsy report shall be provided at no cost to the parents or guardian. The Department of Health will develop a form letter which shall include a statement informing the parents or guardians of the right to receive the full autopsy results in cases of suspected sudden infant death syndrome and such letter shall be used by the child death pathologist to communicate this information to the parents or guardians. A copy of the child death pathologist's letter shall be sent to the Department of Health, Bureau of Family Health. The Department of Health shall provide the required informational material to be included with the form letter to the child death pathologists at no charge;**

*AUTHORITY: section 194.117, RSMo [1994] **Supp. 1999**. This rule was previously filed as 13 CSR 50-155.010. Original rule filed April 12, 1979, effective Sept. 14, 1979. For intervening history, please consult **Code of State Regulations**. Amended: Filed Feb. 15, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Glenda Miller, Division Director, Division of Maternal, Child, and Family Health, 930 Wildwood, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register;* an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 1999, the board amends a rule as follows:

1 CSR 20-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2578). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Personnel Advisory Board, upon review and discussion, formulated changes to be consistent with SAM II and to increase the clarity and specificity of the proposed rule.

COMMENT: A number of agencies commented they did not want employees to use annual leave after they were terminating employment. However, if they had worked up to the last workday (Thursday) and Friday was a holiday, most agencies said a person should be paid for the holiday.

RESPONSE AND EXPLANATION OF CHANGE: Based on comments from the agencies, the Board modified subsection (2)(C) to allow a terminating employee to be paid for a holiday if they work the scheduled workday before the holiday.

COMMENT: It was requested that wording regarding monthly pay that was deleted in the proposed rulemaking be put back in because not all state agencies are going to semi-monthly pay at the same time.
RESPONSE AND EXPLANATION OF CHANGE: The Board agreed to put this wording back in. This addition caused extensive renumbering.

COMMENT: The Office of the Adjutant General requested that the rules accommodate the work schedule of their firefighters as it relates to holidays and holiday compensation.
RESPONSE AND EXPLANATION OF CHANGE: The Board agreed with this request and added paragraph (2)(D)3. which allows employees who work twenty-four (24) hour shifts to be exempt from the provisions of section (2). The Appointing Authority may establish a procedure that must be approved by the Personnel Advisory Board.

1 CSR 20-5.010 Hours of Work and Holidays

(2) Holidays shall be governed by the following provisions:

(C) An employee shall be credited for a holiday only if it falls during the employee's period of employment and the employee is in pay status. An employee whose effective date of appointment or return to pay status is before or on the day of a holiday shall receive credit for the holiday. An employee whose appointment or return to pay status is effective after a holiday will receive no credit for the holiday, except when the holiday occurs at the start of a month and the employee's appointment or return to pay status is effective the first scheduled working day following the holiday. An employee shall not receive credit for a holiday which occurs after they have ceased active duty preliminary to separation from the service except that an employee who is terminating employment and who has worked the last scheduled working day before the holiday shall receive credit for the holiday;

(D) All full-time employees, regardless of such schedule, shall receive credit for the same number of paid holidays as employees whose regular work schedule is Monday through Friday.

1. Part-time employees, paid on a monthly pay period, who are in pay status from eighty to one hundred nineteen (80–119) hours in a month, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours in a month, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status one hundred sixty (160) or more hours in a month, including full credit for those eligible holidays, shall receive full credit. Other part-time employees are not entitled to compensation or credit for holidays not worked.

2. Part-time employees, paid on a semi-monthly pay period, who are in pay status from forty to fifty-nine (40–59) hours in a semi-monthly pay period, including one-half (1/2) credit for those eligible holidays, shall receive one-half (1/2) credit, and those employees who are in pay status from sixty to seventy-nine (60–79) hours in a semi-monthly pay period, including three-fourths (3/4) credit for those eligible holidays, shall receive three-fourths (3/4) credit. Part-time employees who are in pay status eighty (80) or more hours in a semi-monthly pay period, including full credit for those eligible holidays, shall receive full credit. Other part-time employees who are scheduled to work less than one-half (1/2) time

in a semi-monthly pay period or who are paid on a per-diem basis are not entitled to compensation or credit for holidays not worked. A terminating part-time employee shall receive pro-rated credit for a holiday as described in this section, if s/he is in pay status through the last scheduled working day before the holiday and has worked during the semi-monthly pay period.

3. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their holidays and holiday compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 1999, the board amends a rule as follows:

1 CSR 20-5.015 Definition of Terms **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2578–2579). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 1999, the board amends a rule as follows:

1 CSR 20-5.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2579–2580). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Personnel Advisory Board, upon review and discussion, formulated changes to be consistent with SAM II and to increase the clarity and specificity of the proposed rules.

COMMENT: It was requested that wording regarding monthly pay that was deleted in the proposed rulemaking be put back in because not all state agencies are going to semi-monthly pay at the same time.

RESPONSE AND EXPLANATION OF CHANGE: The Board agreed to put this wording back in. This addition caused extensive renumbering.

COMMENT: The Office of the Adjutant General requested that the rules accommodate the work schedule of their firefighters as it relates to annual and sick leave.

RESPONSE AND EXPLANATION OF CHANGE: The Board agreed with this request and added subparagraph (1)(A)3.C. and subsection (2)(G) which allows employees who work twenty-four (24) hour shifts to be exempt from the provisions of sections (1) and (2). The Appointing Authority may establish a procedure that must be approved by the Personnel Advisory Board.

COMMENT: Several agencies did not agree with adding spouse's sibling to paragraph (8)(B)3.

RESPONSE AND EXPLANATION OF CHANGE: The Board agreed to remove spouse's sibling from paragraph (8)(B)3.

1 CSR 20-5.020 Leaves of Absence

(1) Annual leave or vacation with pay shall be governed by the following provisions:

(A) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be entitled to annual leave or vacation with full pay as follows:

1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of twelve (12) hours per month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of fourteen (14) hours per month;

2. If they are paid on a semi-monthly pay period, computed at the rate of five (5) hours for each semi-month of service, in which they are in pay status for eighty (80) or more hours, until they complete ten (10) years of total state service. Employees who have completed ten (10) years of total state service shall earn annual leave at the rate of six (6) hours per semi-month. Employees who have completed fifteen (15) years of total state service shall earn annual leave at the rate of seven (7) hours per semi-month;

3. For the purposes of this rule—

A. For employees paid on a monthly pay period, this shall mean, any month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a month of state service. For employees paid on a monthly pay period, annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which the employee is in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours;

B. For employees paid on a semi-monthly pay period, any semi-month during which an employee is eligible to earn any annual leave credit under this and subsequent sections shall be a semi-month of state service. For employees paid on a semi-monthly pay period annual leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and pro-rated for all hours in which they are in pay status from forty to eighty (40–80) hours;

C. Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their annual leave compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory

board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

4. Annual leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service.

5. Except when granted in accordance with subsection (1)(E), annual leave or vacation with pay shall be granted at the times public service will best permit and only on written application approved by the appointing authority;

6. Annual leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

(D) Accumulation of Annual Leave.

1. For employees paid on a monthly pay period, at the end of any calendar month, unliquidated accumulation of annual leave which exceed twenty-four (24) times that employee's current full-time monthly accrual rate shall lapse and credit for the excess leave shall not be carried forward to the next calendar month.

2. For employees paid on a semi-monthly pay period, at the end of any semi-month, unliquidated accumulation of annual leave which exceeds forty-eight (48) times that employee's current full-time semi-monthly accrual rate shall lapse and credit for the excess leave shall not be carried forward to the next calendar month;

(2) Sick leave shall be governed by the following provisions:

(B) Employees who are employed on a full-time basis in positions of a continuing or permanent nature shall be allowed sick leave with full pay as follows:

1. If they are paid on a monthly pay period, computed at the rate of ten (10) hours for each calendar month of service in which they are in pay status for one hundred sixty (160) or more hours. Sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for months in which they are in pay status from eighty to one hundred nineteen (80–119) hours and three-fourths (3/4) the full-time rate for months in which they are in pay status from one hundred twenty to one hundred fifty-nine (120–159) hours.

2. If they are paid on a semi-monthly pay period, computed at the rate of five hours for each semi-month of service in which they are in pay status for eighty (80) or more hours. For employees paid on a semi-monthly pay period sick leave will be credited at the rate of one-half (1/2) the full-time accrual rate for semi-months in which the employee is in pay status from forty (40) hours and pro-rated for all hours in which they are in pay status from forty to eighty (40-80) hours. Sick leave will be credited for semi-months in which they are in pay status;

3. Sick leave shall not be credited to employees who have ceased active duty preliminary to separation from the state service;

4. In all cases where an employee has been absent on sick leave, the employee immediately upon return to work shall submit a statement in a form the appointing authority may require indicating that the absence was due to illness, disease, disability or other causes for which sick leave is allowed under these rules. The appointing authority shall establish and advise employees of required procedures for initial and continuing notification by the employee to the appointing authority regarding absence due to illness and for submission of a written request for allowance of sick leave together with proof of illness as the appointing authority deems necessary;

5. Sick leave shall not be credited to any employee while on a paid leave of absence for educational purposes when that leave is for a period of three (3) or more months;

(G) Personnel whose normal duties require them to remain on duty at their workstation for shifts of twenty-four (24) hours or longer shall be exempt from the provisions of this section. Their sick leave compensation shall be as established by the appointing authority, subject to review and approval by the personnel advisory board, consistent with the work schedule necessary to accommodate the safety and convenience of the public;

(H) All accumulated and unused sick leave shall be credited to any employee returned to employment in the state service within five (5) years of leaving the service, transferred to or employed in another division of service or returning from leave of absence. Leave shall not be accepted in an amount exceeding that which would have been accumulated and transferred under these rules, and an appointing authority shall require that each employee submit a written statement from the former employing agency specifying the basis on which sick leave was earned, the period of service involved and the total unused leave accumulated. This rule will be applied retroactively with respect to those persons employed on the date this rule is effective who have not previously received credit for these sick leave credits;

(I) Sick leave shall be taken upon a workday basis. Holidays falling within a period of sick leave shall not be counted as workdays;

(J) Sick leave shall not accrue to any employee while on leave of absence without pay;

(K) Loss of time due to an illness of the employee's spouse, children, other relatives or members of the employee's household, which requires the employee's personal care and attention shall be charged against the employee's accumulated sick leave. The final decision concerning the granting of leave under this section shall rest with the appointing authority and shall be based upon the degree to which the employee is responsible for providing personal care and attention;

(L) Employees who are incapacitated from performing their jobs due to injury or disease covered by Chapter 287, RSMo (Workers' Compensation Law) shall be permitted to use accrued sick leave only to the extent necessary to make up the difference between disability benefits paid under Chapter 287, RSMo and their salary at the time of injury; and

(M) When an employee's personal care and attention is required in connection with the adoption of a child, loss of time that is supported by appropriate documentation will be referred to as adoption leave. Such leave will be charged against the employee's accumulated sick leave unless the employee elects to use annual leave or compensatory time. The final decision concerning the granting of leave under this section shall rest with the appointing authority and shall be based upon the degree to which the employee is responsible for providing personal care and attention.

(8) Time off with compensation shall be governed by the following provisions:

(B) With the approval of the appointing authority, an employee may be granted time off from duty, with compensation, for any of the following reasons:

1. Attendance at professional conferences, institutes or meetings when attendance, in the opinion of the appointing authority, may be expected to contribute to the betterment of the service. Proof of actual attendance at these meetings may be required by the appointing authority;

2. Attendance at in-service training and other courses designed to improve the employee's performance or to prepare the employee for advancement;

3. Absence, not to exceed five (5) consecutive workdays, due to the bereavement of an employee as a result of the death of the employee's spouse, child, sibling, parent, step-parent, grandparent or grandchild, and spouse's child, parent, step-parent, grandparent or grandchild, or a member of the employee's household. The final decision concerning the applicability and length of such leave under this section shall rest with the appointing authority. Other absences due to the death of loved ones, when approved by the appointing authority, shall be charged to an employee's accumulated annual or compensatory leave;

4. Leaves of absence for volunteers tutoring in a formal tutoring or mentoring program as defined in section 105.268, RSMo; and

5. Because of extraordinary reasons sufficient in the opinion of the appointing authority to warrant such time off with compensation.

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 5—Working Hours, Holidays and Leaves of Absence

ORDER OF RULEMAKING

By the authority vested in the Personnel Advisory Board under section 36.070, RSMo Supp. 1999, the board amends a rule as follows:

1 CSR 20-5.025 ShareLeave **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 1999 (24 MoReg 2580–2581). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade A Pasteurized Milk Regulations

ORDER OF RULEMAKING

By the authority vested in the State Milk Board under section 196.939, RSMo, Supp. 1999, the board hereby amends a rule as follows:

2 CSR 80-2.180 Adoption of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)* **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2764). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.010 General Provisions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2347). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2347). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment was received regarding each of sections (2) and (3). Three written comments were received regarding section (4). One general written comment to this rule was received. A hearing was held to accept public comments for this rule on November 15, 1999. No comments on this rule were made at the hearing.

COMMENT: One written comment suggested that section (2) be amended to broaden the protection from the rights granted by this chapter to include the rights granted by all of the Commission rules.
RESPONSE AND EXPLANATION OF CHANGE: Section (2) as proposed was not altered from the current rule which was originally promulgated in 1977. However, the Commission finds that it is reasonable to prohibit discrimination because a customer or prospective customer has exercised any right granted by a Commission rule. Therefore, the Commission will amend section (2) as suggested in the comment.

COMMENT: One written comment was received which suggested that section (3) should be amended to require the rules adopted by the company to be filed as part of the company's tariff. The commenter stated that this would at least give the consumers implied notice of the rules. The commenter objected to the company being allowed to make such rules which would be given the force of law once the tariff is effective. As an alternative, the commenter suggested that the company be allowed to make rules but those rules not become part of the tariff.
RESPONSE: Telecommunications companies are permitted by Missouri statute to file tariffs setting out their rates and services. Those tariffs are given the force and effect of law by statute, unless the Commission takes action to prohibit it. However, the Commission does not "file" these tariffs in a docketed case unless there is a specific reason for doing so. In most instances a tariff is "submitted" to the Staff of the Commission which keeps those tariffs in the Commission's offices so that the general public has

access to them. The language of this section of the rule was not changed from the current rule which was promulgated in 1977 and the Commission intends to keep its current practice the same as it has been since this rule was originally promulgated in 1977. The Commission finds that no change is necessary to this rule as a result of the comments.

COMMENT: One written comment was received that suggested that section (4) be amended so that last part of the sentence reads, "shall file with the Commission a statement of such compliance."
RESPONSE: The Commission made only minor technical changes to section (4) from the current rule as promulgated in 1977. The Commission finds that the rule does not need further clarification and no changes are necessary as a result of the comment.

COMMENT: One written comment was received which suggested that section (4) be amended to allow the time frame for compliance with Chapter 33 to be more flexible. The commenter suggested that its company could take as long as 2,000 working days to comply with the billing changes in Chapter 33. The commenter suggested that section (4) be written as follows: (4) All telecommunications companies shall submit a compliance plan to implement all requirements of this chapter within three (3) weeks after the effective date of this rule and shall also notify the commission when such compliance plan has been implemented.
RESPONSE: The Commission finds that six months is a reasonable amount of time for compliance with the new provisions of Chapter 33. Furthermore, the Commission finds that the proposed six month compliance period will be consistent with other rules of the Commission. Finally, the Commission notes that 4 CSR 240-2.060(11) sets out the procedure by which the company may request a variance from the Commission's rules.

COMMENT: One written comment was received which suggested that the changes to rule .010 were appropriate and that the six months allowed for compliance in section (4) was a reasonable amount of time. The commenter also stated that six months is consistent with a similar provision in 4 CSR 240-32.
RESPONSE: The Commission agrees with the commenter and finds that no changes to the proposed rule are necessary as a result of this comment.

COMMENT: One general written comment to rule .010 was received. That comment suggested that new rules on cramming and the privacy rights of customers be added to this chapter.
RESPONSE: The Commission finds that it is not appropriate to add additional rules during this rulemaking proceeding. However, the Commission notes the suggestions for future rulemaking and suggests that the commenter make any proposals for additional rules under the procedures set forth in 4 CSR 240-2.180.

4 CSR 240-33.010 General Provisions

(2) A telecommunications company shall not discriminate against a customer or prospective customer for exercising any right granted by any commission rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.020 Definitions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2347–2348). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2348–2350). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment each to sections (9), (12), (13), (15), (16), (21) and (24) were received. Two written comments each were received to sections (5), (7), (20), and (23). One general written comment was received which resulted in a new section (20) being added. A hearing to receive public comments on this rule was held on November 15, 1999. No comments on this rule were given at the hearing.

COMMENT: One written comment was received which suggested that the definition of Bill Insert or Insert contained in section (4) be clarified. The commenter suggested that the definition be amended to exclude promotional materials, advertisements, or solicitations for service or products.
RESPONSE: The Commission rules which discuss bill inserts as defined by section (4) only address what must be included as a bill insert. Those rules do not address what cannot be included as a bill insert. Therefore, the Commission finds that this rule need not be amended to exclude promotional materials, advertisements, or solicitations. The Commission determines that no change to this rule is necessary as a result of this comment.

COMMENT: One written comment was received which indicated that section (4) should be amended to reflect the use of electronic billing.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter that the rules should apply to electronic notices which are attached to electronic bills sent to the customers. Therefore the Commission finds that section (4) should be amended to include electronic notices.

COMMENT: One written comment explains that the definition of "service," which is included in the current rules, was not included in these proposed rules. The commenter notes that the result of excluding this definition is that the rules in this chapter will be applicable to both residential and business customers. As the

commenter points out, the previous Chapter 33 rules had applied only to residential customers. The commenter supports the Commission's proposal that this rule apply to both residential and business customers.
RESPONSE: The Commission disagrees with the commenter. The Commission finds that Chapter 33 deals with only residential customers; therefore, the Commission will amend proposed section (7). No changes to this proposed rule are required as a result of this comment.

COMMENT: One written comment suggested that section (7) be amended to exclude all business and government entities. The commenter suggests that business entities do not need the protections of Chapter 33 and that these regulations may actually limit some businesses choices as to billing and settlement procedures.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that this rule should only apply to residential customers. Therefore, the Commission will amend proposed section (7) to clarify that a customer is only an individual.

COMMENT: One written comment suggested that section (9) should be amended to define a deposit as a money advance for the purpose of securing payment for telecommunications service rather than for securing payment of delinquent charges. The commenter states that with the expansion of services offered by telecommunications companies that the deposits should only be applicable to charges for telecommunications services.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and finds that section (9) of the proposed rule should be amended as suggested.

COMMENT: One written comment suggested that the definition in section (12) "should be expanded to include a customer's claim that a charge is in error, unlawful, improper, excessive, or otherwise is improper or for service which were not ordered or authorized by the customer."
RESPONSE: The definition as proposed uses the broad language of "unresolved inquiry" whereas, the language suggested by the commenter, may actually limit the definition rather than expand it. Therefore, the Commission finds that no changes to the proposed rule are required as a result of the comment.

COMMENT: One written comment suggested that section (13) be amended to include electronic inquiries.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and finds that the rule should be amended to include electronic means of communication.

COMMENT: One written comment was received which suggested that section (15) be moved so that the definition of "Access Line" be in alphabetical order in the definitions section.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the definitions should be in alphabetical order and will therefore move the definition of "Access Line" and renumber the sections accordingly.

COMMENT: A written comment was received which suggested that the definition of new customer in section (16) should be amended from a customer who has "no prior credit history" to one who has "no prior service history."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested amendment is reasonable. This rule is intended to focus on the customer's service history, not the customer's credit history. Therefore, the Commission will amend section (16).

COMMENT: One written comment suggested that the term "Prospective Customer" which is used in rule 33.010(2) should be defined.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that this term should be defined and will therefore amend the proposed rule to include a definition of "Prospective Customer" and renumber the remaining sections accordingly.

COMMENT: Two written comments were received indicating that section (20) should be amended to allow for methods of rendition of bills other than by regular U.S. mail. The commenters stated that some companies have made arrangements with their customers to send bills electronically and that the rule should reflect this practice.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the commenters' suggestions are reasonable and that the proposed rule should be amended to include bills which have been sent electronically to customers.

COMMENT: One written comment suggested that the definition of "Settlement Agreement" in section (21) should be changed to be more consistent with the definition in 4 CSR 240-13.010(1)(U) which pertains to the service and billing practices for residential customers of other utilities.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and will amend section (21) to provide a consistent definition with other chapters of the Commission's rules.

COMMENT: Two written comments were received which stated that the proposed rules update the Commission's rules by inserting the term "telecommunications companies" where telephone utilities had been used in the past. The commenters also suggested that section (22) should be updated by replacing "communications company" with "telecommunications company."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested change should be made so that the language of the rules remains consistent.

COMMENT: One written comment suggested that the Commission define a "business day" as "any day on which the company's business office is open and regular U.S Mail is delivered.
RESPONSE: The Commission finds that this chapter of rules as proposed no longer uses the term "business day" and therefore that term need not be defined. Therefore, the Commission finds that no changes to the rule as proposed are necessary as a result of this comment.

4 CSR 240-33.020 Definitions

(1) Access line is the line associated with each service location to which a unique telephone number is assigned.

(2) Advance payment is money received by a telecommunications company from a customer for the purpose of securing payment of future charges accrued by a customer.

(3) Basic local telecommunications service is basic local telecommunications service as defined in section 386.020(4), RSMo Supp. 1998.

(4) Bill is a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.

(5) Bill insert or insert is a written or electronic notice which is enclosed with or attached to a bill.

(6) Billing period is a normal usage period of not less than twenty-eight (28) nor more than thirty-one (31) days.

(7) Complaint is a complaint as defined in 4 CSR 240-2.070.

(8) Customer is any individual that accepts financial and other responsibilities in exchange for telecommunications service.

(9) Delinquent account is an account which has undisputed charges that are not paid in full by the due date.

(10) Deposit is a money advance to a telecommunications company for the purpose of securing payment for telecommunications services.

(11) Discontinuance of service or discontinuance is a cessation of service not requested by a customer.

(12) Guarantee is a written promise from a responsible party to assume liability.

(13) In dispute is any matter regarding a charge or service which is the subject of an unresolved inquiry.

(14) Inquiry is any written, electronic or oral comment or question regarding a charge or service.

(15) Letter of agency is a letter or other document sent by a customer to a telecommunications company authorizing the telecommunications company to change the telecommunications service provider for that customer.

(16) New customer is any customer who has no prior service history with the telecommunications company with whom service is being requested.

(20) Prospective customer is any individual with whom or by whom service is being requested.

(21) Rendition of a bill is the date a bill is mailed, posted electronically or otherwise sent to a customer.

(22) Settlement agreement is an agreement between a customer and a telecommunications company which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period.

(23) Tariff is a statement by a telecommunications company that sets forth the services offered by that company, and the rates, terms and conditions for the use of those services.

(24) Telecommunications company is a telephone corporation as defined in section 386.020(51), RSMo Supp. 1998.

(25) Termination of service or termination is a cessation of service requested by a customer.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250(11), RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.040 Billing and Payment Standards **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2351). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2351–2354). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment was received to each of section (1), subsections (6)(C), subsection (6)(D), and subsection (6)(I). Two written comments were received to each of sections (3) and (4). Three written comments were received to section (2). Three written comments and one oral comment at the public hearing were received to section (5). Two written comments were received to subsection (6)(A). Two written comments and one oral comment at the public hearing were received to subsection (6)(F). Four written comments and one oral comment at the public hearing were received to subsection (6)(J). Comments regarding the rule in general were received in writing and orally at the public hearing.

COMMENT: One written comment suggested that section (1) of the rule require the company to render a bill to each customer for each billing period.
RESPONSE: The Commission has included in section (1) of the proposed rule a requirement that a bill be rendered for each billing period except when the bill has a zero balance. The commenter stated no reason why a company should be required to render a bill to a customer in months when there is no balance outstanding. The Commission finds that no changes to this proposed rule are required as a result of this comment.

COMMENT: One written comment was received suggesting that section (2) be amended to include the following: Billing cycles may be altered if the affected customers are sent an insert or other written notice explaining the alteration not less than thirty (30) days prior to the effective date of the alteration. This notification is not required when a customer requests a number change or when the customer disconnects and reconnects service or transfers service from one (1) premise to another. The commenter believes this change would allow the companies flexibility to change the billing cycle which exists under the current rule.
RESPONSE: The Commission finds that the rule as proposed may be inflexible in that it only allows customer bills to be rendered on

a monthly basis. However, it has been the Commission's experience that a notice to the customer indicating that a billing cycle will be altered does not give the customer flexibility if a company should decide to institute bi-monthly or quarterly billing cycles. Therefore, in order to balance the interests of both company and customer, the Commission will require that billing be done on a monthly basis unless the customer has otherwise agreed to change the billing cycle or as otherwise provided in these rules.

COMMENT: One written comment recommended that the rule require that the "billing period . . .be no less than 28 days and no more than 62 days unless the customer agrees to a different time in writing."
RESPONSE: The Commission finds that the rule as proposed may be inflexible in that it only allows customer bills to be rendered on a monthly basis. The commenter's proposal would allow the company the flexibility of lengthening billing cycles but would restrict billing cycles to no more than 62 days. The commenter did not state any reason for its suggestion that billing cycles be between 28 and 62 days. Therefore, in order to balance the interests of both company and customer, the Commission will require that billing be done on a monthly basis unless the customer has otherwise agreed to change the billing cycle or as otherwise provided in these rules.

COMMENT: One written comment suggested that the language in section (2) be amended so that the words "the bill is rendered" be used in place of the words "a customer receives the bill." The commenter states that since the term "rendition of bill" is defined in rule 33.020, this amendment will maintain consistency within this chapter.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter. The Commission finds that section (2) should be amended so that the cyclical basis of a bill is determined by when the bill is rendered rather than when the bill is received by a customer.

COMMENT: Two written comments and one oral comment at the public hearing on this rule were received which suggested that sections (3) and (4) as proposed should be replaced with sections (3) and (4) as they exist in the rule which is currently in effect. One of the commenters states that "[t]he removal of the ability to obtain prompt payment for an unusually high level of toll calling, coupled with the proposed removal of the ability to disconnect local service for non-payment of toll, will likely lead to higher uncollectibles and collection costs."
RESPONSE: The Commission finds that telecommunications companies have other means of protecting their interests in collecting payments from delinquent customers. The language suggested by the commenters would allow the telecommunications company to demand payment by telephone call of a customer whose toll charges for the current billing period exceed 400% of that customer's deposit or guarantee with the company. The Commission is not opposed to telecommunications companies collecting delinquent accounts and keeping the amount of its uncollectibles low. However, the Commission finds that amending the proposed rule to include the suggested language may create a situation where a customer is put in immediate collection status merely because that customer has had a family emergency which has required extraordinary toll charges and not because that customer is a "bad actor." The Commission finds that no changes to this rule are necessary as a result of these comments.

COMMENT: Three written comments were received which indicated support for section (5) of the Commission's proposed rule which allows a penalty charge to be assessed on a delinquent account. However, one written comment stated that the penalty charge should not be required to be tariffed because it is not a regulated telecommunications service. One oral comment (SWBT) was received at the public hearing on this rule as well. The commenter testified that he also did not believe that the penalty charges for a delinquent account were telecommunications services that must be included in the company's tariff. However, the commenter did state that the telecommunications company he represents currently does include these charges in its tariffs.
RESPONSE: The Commission finds that it is reasonable to require a telecommunications to include in its tariff any charges for delinquent accounts. A company's tariff may be the only method by which the general public is put on notice of such penalties. Furthermore, these types of charges are currently routinely included in tariffs submitted to the Commission by telecommunications companies. The Commission finds that no changes to this rule are necessary as a result of these comments.

COMMENT: Two written comments suggested that subsection (6)(A) should be revised to delete the term "main station" and replace it with "access lines." The commenters indicated that this amendment will be consistent with the current terminology and technology of the industry.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the subsection should be amended. The Commission will amend subsection (6)(A) to replace the term "main stations" with the term "access lines."

COMMENT: One written comment suggested that the rule require that the customer's bill state the date after which the bill becomes delinquent.
RESPONSE: Subsection (6)(C) as proposed requires that the bill clearly state "the date the bill becomes delinquent if not paid," therefore the Commission finds that no change to this proposed rule is necessary as a result of this comment.

COMMENT: One written comment was received which opposed including the words "and advance payments" in subsection (6)(D) and the words "and/or advance payments" in subsection (6)(J). The commenter indicated that within its company, the only advance payment will be for installation and will be applied to the first bill. The commenter stated that there will be no advance payment to show on any subsequent bill. The commenter stated that the advanced payments are only necessary to show on the first and last bills.
RESPONSE: Subsection (6)(D) clearly states that advance payments shall be included on the bill "if any" exist. Thus, if there is no advance payment, as the commenter suggests often happens, no advance payment will need to be included. Subsection (6)(J) is being revised as a result of other comments received. The changes to subsection (6)(J) and the addition of new section (7) should address the commenter's concerns. Therefore, Commission finds that no changes are necessary to the proposed rule as a result of this comment.

COMMENT: One telecommunications company submitted a written comment and had a representative testify at the public hearing opposing the requirement in subsection (6)(F) that the bill include "an itemization of the amount due." The commenter stated that it believes it would be confusing to customers to see such an itemization on their monthly bill because the charges for individual services that have been sold as a package will be more expensive than the charge for the package. At the hearing the company representative stated that it was his interpretation of the proposed rule that the companies would be required to break down each service for basic service even more than they do under the current rule.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the benefits to the customers of having an itemized list of services so that the customers are fully informed of what services they use and pay for are greater than the potential

confusion that a customer might experience by seeing those individual services itemized. However, the Commission did not intend to require that the separate rate for each component of a service be shown. The intent of this rule was to inform the customer of the services that are included in the package, such as caller ID, call forwarding, etc. Therefore, the Commission will amend subsection (6)(F) to require only the amount due for basic service. In addition, the Commission will add new subsections (6)(G) and (6)(H) to require an itemization of costs for each service provided individually, and an itemization of each service provided in a package. The Commission will also renumber subsections as necessary.

COMMENT: One oral comment was received from a representative of the Staff of the Commission at the public hearing on this rule. The Staff representative stated that Staff interpreted the proposed subsection (6)(F) as requiring the companies to breakdown what services were being billed to the customers but not a requirement that the individual rate for each of those services in the package.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the Staff interpretation of the rule and has made amendments to clarify this subsection as a result of this and other comments received.

COMMENT: One commenter submitted a written comment suggesting that the words "if the customer subscribes to the basic rate schedule" be added to the end of subsection (6)(F). The commenter indicated that this would allow the companies to provide call detail in optional calling plans at the customers request but also to charge the customer the cost of providing the detail. The commenter states that the Commission has previously approved this arrangement in Case No. TT-99-191.

RESPONSE: The Commission has made revisions to subsection (6)(F) as a result of other comments. Those revisions should address the concerns of the commenter. Therefore the Commission finds that no additional changes to this proposed rule are necessary as a result of this comment.

COMMENT: One written comment was received which stated that "[t]hird party billing aggregators should not be listed on the bill." The commenter indicated that this can be confusing to customers and that only the company that "engaged in the transaction with the customer" should be shown on the bill along with its address and toll free telephone number. The same commenter also stated that "[a] separate toll free number must be provided for each company making charges on the customer's bill and shall include not only the name and toll free number of any billing company or agent but also shall state the company and toll free number for the company who provided the service charged."

RESPONSE AND EXPLANATION OF CHANGE: The commenters statements appear to be inconsistent. The Commission agrees that customer bills for telecommunications service can be confusing. It is especially confusing when a billing agent with which the customer has had no interaction bills the customer for the service of another company. However, the Commission's rule, as proposed requires that the bill "clearly state. . .[t]he toll free telephone number(s) where inquiries and/or dispute resolutions may be made." Thus, the Commission finds that no further restrictions or requirements in this rule are necessary. The Commission will amend the proposed rule to attempt to clarify that a toll free telephone number where inquiries may be made shall be provided for each company making charges on the customer's bill.

COMMENT: Four written comments and one oral comment at the hearing were received regarding the requirements in section (6) that each month the bill state the amount of the customer's deposit and the accrued interest. The commenters suggested that subsection (6)(J) be deleted from the proposed rule because it would require the companies to include confusing or redundant information and require some companies to redesign their bills to include this information. One commenter stated that proposed rule 33.050(4)(F) requires that the company provide the deposit information to the customer upon request and therefore, it is unnecessary to provide this information to customers on a monthly basis. One of the commenters suggested that an alternative would be to require the companies to include deposit and interest information on the first bill after the deposit is received and on the customer's last bill. Other commenters recommended the information be provided on annual basis. Two commenters also opposed subsection (6)(K), stating that the amount of deposit and interest accrued will be on the customers last bill and need not be provided every month.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has considered the comments provided by the telecommunications industry and has determined that requiring the amount of the deposit to be stated on the first and last bills and upon request as required in proposed rule 33.050(4)(F) will provide adequate information to customers and will avoid redundant and confusing information on the bill. The Commission also finds that proposed subsection (6)(D) requires that advanced payments be included on the customer's bill where necessary and thus, subsection (6)(J) referring to advanced payments is redundant. The Commission will delete subsection (6)(J), amend subsection (6)(K), and restate the new requirement as a new section (7). The Commission will also renumber subsections accordingly.

COMMENT: One written comment suggested that section (8) of the rule currently in effect should be added to the proposed rule. That language would require an itemization of charges for equipment and service during the first billing period. The commenter indicates that this itemization is important to help customers know which services they are being billed for and will help curb the problem of "cramming."

RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that it is important for customers to be aware of the equipment and services for which they are being charged. The Commission also finds that by including a requirement that these charges be itemized on the first bill the customer receives may help to alleviate the problem of "cramming" (being charged for services the customer did not knowingly authorize). Therefore, the Commission will amend the proposed rule by adding a new section (8) that requires an itemization of equipment and services on the customer's first bill.

COMMENT: One written comment suggested that "[c]harges for different services should be separated from basic local and toll charges by symbol or separate pages." The commenter also suggested that the bill should include "a single page summary of the current status of the customer's services, including presubscribed interstate and intraLATA toll carriers, [local exchange company], other service providers and whether there are preferred carrier freezes or other blocking measures."

RESPONSE: The specific items that the commenter requests are included in the rule as proposed. The only exception is that the rule does not require the information to be set off by a symbol or separate page. The Commission finds that the rule as proposed requires the company to make its bill "clear" and therefore, the Commission need not require specific symbols or page breaks. Therefore the Commission finds that no change to this rule is necessary as a result of this comment.

COMMENT: One written comment was received which suggested that rule 33.040 should apply to business customers as well as residential. The commenter stated that small businesses did not have the economic resources or the bargaining power to negotiate

special discounts and therefore, business customers should be given the same rights and protections as residential customers.
RESPONSE: The Commission finds that this rule should not be uniformly applied to residential customers and to both large and small business customers. While it is true that not every business customer has the resources or bargaining power that a large business might have to protect itself, the Commission finds that applying this rule uniformly could result in a reduction in these competitive companies' abilities to negotiate a contract. The Commission also finds that it would want to seek comment on that specific proposal before adopting it as a rule, and therefore has determined that no change to this proposed rule should be made at this time. The Commission notes that this proposal would be better suited for a separate rulemaking proceeding where it can be subject to comment and scrutiny of the general public and the industry involved.

COMMENT: One written comment suggested that this rule include a prohibition on a category of charges titled "miscellaneous." The commenter stated that bills for telecommunications services were complex enough and should not include charges for any items other than telecommunication related services. The commenter also made a general statement that some interexchange companies incorrectly identify access costs for local exchange companies and universal support mechanisms as federally mandated charges. The commenter further suggested that the bills must use plain language to describe any service billed and that the rule should require that the bill include a statement informing the customer that the company, at the customer's request, must cancel any optional services without charge.
RESPONSE: The Commission agrees that customer bills should be as clear and concise as possible, yet still contain accurate and complete information. The Commission's rule as proposed requires that the bills be stated "clearly." The Commission finds that there are sufficient protections in the requirements and restrictions of this chapter to protect the residential customer and that no further restriction on a "miscellaneous" category is necessary. The Commission also finds that specific instances of false or misleading information on customer bills should be addressed through this Commission's or the Federal Communications Commission's complaint procedures. The Commission determines that no changes to this rule are necessary as a result of this comment.

COMMENT: A written comment was received which suggested that the customer's bill include a separate section titled, "Status Change." This section would show any changes in customer services, thereby helping customers to notice unauthorized charges more promptly.
RESPONSE: The Commission finds that customer bills are complicated. However, the Commission does not have sufficient information to determine that creating a new section on the bill, which may list charges that are shown elsewhere on the bill, will make those bills any less complicated or any less confusing. Therefore, the Commission finds that no change to this rule is required as a result of this comment.

COMMENT: One written comment made the following statement: "Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 2 months and must allow the customer to pay any such backbilling in installments."
RESPONSE: The Commission assumes that the commenter is suggesting the rule be amended so that if a customer is undercharged due to a company mistake, that company must allow the customer to pay the bill in installments. The comment is not clear but it also appears that the commenter is suggesting that the customer should receive a windfall for any charges for which it has not been billed due to company error in excess of two months. The Commission finds that these suggestions would require additional restrictions which have not been contemplated and for which the Commission would prefer to have public comment before implementing. Therefore, the Commission finds that no change is necessary as a result of this comment.

COMMENT: One written comment and one oral comment at the public hearing were received which generally objected to rule 33.040. The commenters, which represented a single telecommunication company, stated that "[e]ach telecommunications provider should be free to establish its own unique billing and payment procedures." The commenters stated that this ability was part of the competitive process.
RESPONSE: The Commission finds that it has an interest in regulating the billing and payment procedures of a public utility in order to assure that customers of those companies can interpret those bills and protect their interests where necessary. The Commission determines that no amendment to this rule is necessary as a result of this comment.

COMMENT: One person testified at the public hearing for this rule, that he found the information he received from long distance companies, in particular, confusing. The commenter stated that often when he received his bill for services after agreeing to the service during a telephone communication with the company, that the bill did not reflect what he understood the charges were going to be. The commenter questioned what authority the Commission had over the billing practices and charges of these companies and suggested by his comments that the Commission should regulate these activities more closely. The commenter stated that competition in the telecommunications industry has created much confusion to customers and that he preferred each company to have only one plan available for easy comparison.
RESPONSE: The Commission is aware of the confusion that has been caused by competition in the telecommunications industry. The rules proposed by the Commission are an attempt to standardize some of the billing practices of these companies so that customer confusion is minimized. The Commission's jurisdiction with regard to charges of long distance companies is limited. Therefore the Commission will continue to implement rules and procedures which it believes will best balance the interests of the customers and the interests of the companies. The Commission thanks the commenter for his comments. The Commission finds that no additional amendments to this rule are necessary as a result of this comment.

COMMENT: One oral comment was received from a representative of the Staff of the Commission at the public hearing on this rule. The commenter stated that many of the calls from telecommunications company customers received by the Commission are due to miscommunication and advertising of long distance carriers.
RESPONSE: The Commission agrees that advertising and marketing practices of some long distance companies can be confusing. However, the Commission does not have jurisdiction with regard to many of these practices. The rules as proposed in this chapter, are for the regulation of local exchange companies' billing practices that are within the Commission's jurisdiction. The Commission finds that no changes to the rule as proposed are necessary as a result of this comment.

4 CSR 240-33.040 Billing and Payment Standards for Residential Customers

(2) Except where otherwise authorized by these rules, a telecommunications company may render bills on a cyclical basis if the bill

is rendered on or about the same day of each month or as otherwise agreed to by the customer.

(6) Every bill shall clearly state—

(A) The number of access lines for which charges are stated;

(B) The beginning or ending dates of the billing period for which charges are stated;

(C) A statement of the date the bill becomes delinquent if not paid;

(D) Penalty fees and advance payments, if any;

(E) The unpaid balance, if any;

(F) The amount due for basic service;

(G) An itemization of the amount due for all other regulated or nonregulated services including the date and duration (in minutes or seconds) of each toll call if such service is provided as an individual service;

(H) The amount due for all other regulated or nonregulated services offered at a packaged rate and an itemization of each service included in the package;

(I) An itemization of the amount due for taxes, franchise fees and other fees and/or surcharges which the telecommunications company, pursuant to its tariffs, bills to customers;

(J) The total amount due;

(K) A toll free telephone number where inquiries and/or dispute resolutions may be made for each company with charges appearing on the customer's bill;

(L) The amount of any deposit, advance payments and/or interest accrued on a deposit which has been credited to the charges stated; and

(M) Any other credits and charges applied to the account during the current billing period.

(7) The amount of any deposit held by the company and the interest accrual rate shall be stated on the first bill for which a customer received service and on the last bill for which the customer received service.

(8) During the first billing period in which a customer receives service, a customer must receive a bill insert or other written notice that contains an itemized account of the charges for the equipment and service for which the customer has contracted.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250(11), RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.050 Deposits and Guarantees of Payment **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2355). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2355–2358). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Seven written comments from various telecommunications companies and state agencies were received. In addition, four witnesses or representatives of companies or state agencies made comments at the public hearing held on November 15, 1999.

COMMENT: Two written comments objected to section (1) because it suggests that a deposit may not be required until after service is provided. One commenter suggested that the language be changed to mirror the language of the rule currently in effect. A representative of this same company made similar remarks at the public hearing on this proposed rule.

The second commenter stated that section (2) of this proposed rule addresses deposits that may be required for continued service and therefore, section (1) addresses deposits required in advance of obtaining service. The second commenter suggested amending section (1) by adding the words "prior to or" before the phrase "within thirty (30) calendar days."

RESPONSE AND EXPLANATION OF CHANGE: The rule as proposed was intended to give the company the option of requiring the deposit at any time within 30 days of providing service. Thus, the deposit could be required up to 30 days prior to service being provided, or up to 30 days after service had been provided. Upon review of the comments to this rule, the Commission determines that the rule should be amended to clearly state that a deposit may be required prior to service being provided. Therefore, the Commission will amend section (1) for clarification purposes.

COMMENT: One written comment suggested that section (1) be clarified. The commenter stated that the timing of the request for a deposit as a condition of new service was not as significant as those conditions being stated in the tariffs of the company. The commenter suggested alternative language for section (1) as follows: (1) A telecommunications company may require a deposit or guarantee as a condition of new service as stated in the company's tariff. The commenter explained that this alternative would allow the companies to set varying conditions for deposits with approval of the tariff by the Commission. The commenter also made statements at the public hearing in response to Commission questions. At the hearing, the commenter stated that there was no objection from the Staff of the Commission to the companies collecting a deposit before service was provided.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that section (1) should be clarified. The rule as proposed was intended to give the company the option of requiring the deposit at any time within 30 days of providing service.

Thus, the deposit could be required up to 30 days prior to service being provided, or up to 30 days after service had been provided. In addition, the Commission finds that the time period for requiring a deposit as a condition of new service should be established in each company's tariff. Therefore, the Commission will amend section (1) for clarification purposes and to require these provisions be tariffed by the company.

COMMENT: One written comment suggested that section (1) should be amended so that it is "limited to a customer who has no prior credit history with the telecommunications company when new service is requested." The same commenter made remarks at the public hearing. At the public hearing the commenter stated that there was no objection to deposits being required prior to service being provided, so long as the criteria for requiring that deposit was set out in the Commission's rules.
RESPONSE: The Commission has amended its definition of "new customer" in proposed rule 33.020(16) so that the emphasis in determining a "new" customer is placed on the service history rather than the credit history with the customer. This amendment was made at the suggestion of this same commenter. The Commission agreed with the commenter in rule 33.020(16) and for the same reason must now disagree with the comment in this rule. The Commission finds that this rule was intended to focus on the customer's service history, not the customer's credit history. Therefore, the Commission determines that no further amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One written comment objected to subsection (2)(A) of the proposed rule. The commenter stated that the new rule shifts the burden of proving credit worthiness from the customer to the company. The commenter stated that this is inappropriate and will "create the incentive for carriers to not serve customers that would otherwise be served under the" rules as they are currently in effect. The commenter suggested that the rule should be withdrawn and the current rule allowed to remain in effect. A representative of the same telecommunications company made similar remarks at the public hearing on this rule.
RESPONSE: The commenter directed his comments to subsection (2)(A). However, subsections (2)(A) and (B) are substantially similar to the provisions in the current rule and no shifting of the burden to prove creditworthiness has occurred in these subsections. The change in section (2) is that subsection (2)(C) of the current rule was not included in this proposed rule. The Commission responds below to the comments related to subsection (2)(C). The language that the commenter suggests can be found in subsections (1)(A) and (B) of the current rule. Those subsections set out the criteria a customer must meet for a telecommunications company to require a deposit as a condition of service. The Commission finds that the telecommunications companies are in a better position to provide proof of the customer's service, because the company is required by these rules to keep those records. In addition, while the proposed rule may narrow the conditions allowed for requiring a deposit for continued service, the proposed rule broadens the companies' ability to require a deposit for new service. The Commission finds that the rule as proposed is reasonable. Therefore, the Commission determines that no amendment to this rule is necessary as a result of the comment.

COMMENT: One written comment objected to the proposed section (2) because it deletes one option for requiring a deposit for continued service which is available under the current rule. The commenter suggested subsection (3)(C) from the rule currently in effect be added.
RESPONSE: The language suggested by the commenter would allow the telecommunications company to collect a deposit as a requirement of continued service for a customer whose toll or other charges for the current billing period exceed 400% of that customer's deposit or guarantee previously required by the telephone company. The Commission finds that amending the proposed rule as suggested or withdrawing the proposed rule could create a situation where a customer is innocently put in the position of having to pay a deposit merely because that customer has had a family emergency or other unexpected situation which has required extraordinary toll charges for that customer, and not because that customer is a substantial credit risk or "bad actor." The Commission finds that no changes to this rule as proposed are necessary as a result of this comment.

COMMENT: One written comment was received in support of the conditions proposed for requiring a deposit for continued service.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One written comment was received which indicated that section (4) should be more flexible by setting out the conditions for deposits in the rule, but also giving the companies the options of setting other conditions in the company's tariff.
RESPONSE: The Commission disagrees with the commenter. The Commission finds that the conditions for a deposit should be set out in the rule and that any exceptions to the rule should be made by request for a waiver. Therefore, the Commission determines that no change to this proposed rule is necessary as a result of this comment.

COMMENT: Three written comments were received which objected to the requirement in subsection (4)(B) that an annual adjustment of the interest rate occur on October 1. The commenters state that there is not sufficient time between the last business day in September and October 1 to make necessary tariff changes. One commenter suggests that the adjustment occur on January 1 and states that date will coincide with the commenter's current tariff language. A representative for that commenter made similar remarks at the public hearing for the rule. The same commenter also requested that the Commission "include language acknowledging that if a company has an approved tariff setting out the interest rate, the tariff governs."

A second commenter suggested either November 1 or January 1 as possible adjustment dates. The third commenter stated that the interest rate adjustment should be calculated based on the October 1 date but that a new subsection (C) should be added which allows the companies until December 1 to implement the new rate. All of the comments were received from telecommunications companies.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the telecommunications industry will need more time to make the necessary changes for its annual interest rate adjustment. Therefore, the Commission will amend this rule to change the annual adjustment date to December 1.

COMMENT: One written comment was received which suggested that subsection (4)(B) be amended to give the company the option of setting the deposit interest rate at nine percent or at the prime lending rate plus one percent. The commenter stated that this would make the proposed rule consistent with tariffs currently on file with the Commission. The commenter also made the same remarks at the public hearing for the rule.
RESPONSE: The Commission finds that the suggested language by the commenter would have the practical result of setting a cap on the interest rate. The companies would have no incentive to ever pay more than the nine percent allowed in the rule. However, if the prime rate dropped below eight percent the company would have an incentive to pay interest at the lower rate. The Commission finds that the best result is for the company and the customer to share the risk of interest rates. By tying the interest rate to the prime rate, both the company and the customer will share equally in the risk. Therefore, the Commission finds that no further

amendment to the proposed rule is necessary as a result of this comment.

COMMENT: Three written comments were received which objected to subsection (4)(G). The commenters stated that the companies are required to maintain a record of the deposit and to respond to the customer within ten days of a request for that information by rule 33.050(4)(F). The commenters further stated that requiring the amount of the deposit to be printed on the monthly bills is burdensome and unnecessary because of the requirements in rule 33.050(4)(F).
RESPONSE AND EXPLANATION OF CHANGE: The Commission has revised subsection (6)(J) of proposed rule 33.040 and added a new section (7). The amended version of proposed rule 33.040 requires the companies to state on the customer's first and last bill the amount of the deposit and the interest accrual rate. Proposed rule 33.040 also requires that the customer's monthly bill show any amount of the customer's deposit that has been credited to the charges stated. There is no longer a requirement that the amount of the deposit be on each monthly bill. The Commission determines that requiring the amount of the deposit held to be reported to the customer is adequately covered in proposed rule 33.040. Therefore, the Commission finds that proposed rule 33.050 is redundant and should be amended by deleting the first sentence of subsection (4)(G).

COMMENT: One written comment was received which objected to subsection (4)(H). The commenter stated that allowing a customer to pay a deposit in installments after service has begun is inconsistent with the purpose of requiring a deposit. The commenter suggested that this rule be withdrawn.
RESPONSE AND EXPLANATION OF CHANGE: The Commission's intent with regard to section (1) was to expand the ability of a company to require a deposit for new service prior to that service being provided. The Commission encourages companies to allow their customers the option of remitting deposits on an installment basis. However, the Commission finds that proposed subsection (4)(H) is inconsistent with proposed section (1) because it requires the company allow the payment of a deposit by installments. The Commission finds that a deposit required as a condition of continued service should still be allowed to be paid by the customer in two installments. Therefore, the Commission will amend subsection (4)(H).

COMMENT: One written comment suggested that section (6) be amended to delete the requirement that a company provide to the Commission upon request the interest rate for deposits.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that this requirement, while not having the potential to cause any great harm to the company, is not necessary. Under the Commission's proposed rule, the Staff of the Commission can readily figure the interest rate for deposits. Therefore, the Commission will amend section (6) as suggested.

COMMENT: One written comment was filed in support of section (7). The commenter supported section (7) because it allows the companies to request advanced payment of some charges and gives the companies flexibility to modify the amount of charges by tariff. However, the commenter suggested that the section be clarified so that the Commission was not required to approve every application of the tariff.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the phrase "unless otherwise approved by the commission and specified in the telecommunications company tariff" needs clarification that only the differing amount of an advanced payment must be submitted by tariff to the Commission. The phrase "approved by the Commission" is also being deleted because most tariffs become effective by operation of law without specific Commission approval. Therefore, affirmative Commission approval is not necessarily given to every tariff. The Commission is also amending the section grammatically by making the word "company" possessive near the end of the section.

COMMENT: One written comment was received which recommended a new section (8) be added as follows: (8) Nothing herein shall be interpreted to prohibit a company from imposing limited usage on toll including, but not limited to, toll restriction, if such plan is contained in a Commission approved tariff. A representative for the same company testified at the public hearing and stated that the purpose of this language is to allow a company's currently effective tariff that provides for toll restriction to continue to be in effect and in compliance with the rule. However, the commenter at the hearing stated that she did not believe the current tariffs would be in violation of proposed rule without this language.
RESPONSE: The subjects of proposed rule 33.050 are deposits and guarantees of payment. The subject of toll restrictions is found in Commission rule 33.070 and is being considered in conjunction with that proposed rule. The Commission finds that no amendment to this proposed rule is necessary as a result of this comment.

COMMENT: One general comment to the Commission's proposed rule 33.050 was received. The commenter stated that the proposed rules are too restrictive on a telecommunications company's ability to require a deposit. The commenter stated that if the telecommunications companies are not able to protect themselves from bad credit risks by securing a deposit, the companies are less likely to serve those high risk customers.
RESPONSE: The Commission must balance the interests of the companies with those of the customers and finds that the restrictions on the requirements for a deposit in these rules are reasonable. Therefore, the Commission determines that no amendment to this proposed rule is necessary as a result of the comment.

COMMENT: One general written comment was received that objected to the rule as proposed because it applies to residential customers and not to business customers. The commenter stated that not all business customers have the resources or economic ability to negotiate with telecommunications companies and should be given the same protections as residential customers.

The commenter also objected to the rule because it would "require a deposit or guarantee as a condition of new service without any criteria for the circumstances when such a deposit or guarantee would be required." The commenter suggested that the requirement of a deposit be limited to unacceptable telephone service credit history and that toll blocks or caps not be required as a condition of local service. The commenter stated that toll blocks should be allowed as an option for the customer in lieu of a deposit.
RESPONSE: The Commission finds that this rule should not be applied to both residential customers and to business customers. The Commission acknowledges that not every business customer has the resources or bargaining power of a large business, however, the Commission finds that applying this rule to business customers could result in a reduction in competitive companies' abilities to negotiate a contract.

In addition, the rule as proposed broadens the scope somewhat for when a company can require a deposit for new service. However, at the same time, other provisions of the proposed rule limit the scope of when a company can require a deposit for continued service. The Commission determines that this balance is reasonable and that no additional changes to this rule are necessary. The Commission did not explore the possibility of toll blocks in lieu of a deposit within the context of this proposed rule. The Commission finds that such a provision would require a separate rulemaking proceeding that would be subject to additional comment from the general public and the industry. Therefore, the

Commission finds that no changes to this proposed rule are required as a result of the comment.

COMMENT: One general comment in support of the proposed rule was received.
RESPONSE: No amendments to this proposed rule are necessary as a result of this comment.

4 CSR 240-33.050 Deposits and Guarantees of Payment for Residential Customers

(1) A telecommunications company may require a deposit or guarantee as a condition of new service. The deposit may be required prior to and no more than thirty (30) calendar days after the telecommunications company actually provides service as stated in the company's tariff.

(4) A deposit shall be subject to the following terms:

(A) It shall not exceed estimated charges for two (2) months' service based on the average bill during the preceding twelve (12) months, or, in the case of new applicants for service, the average monthly bill for new subscribers within a customer class;

(B) It shall bear interest at a rate which is equal to one percent (1%) above the prime lending rate as published in the *Wall Street Journal*. This rate shall be adjusted annually on December 1 using the prime lending rate, as published in the *Wall Street Journal* on the last business day of September of each year, plus one percent (1%). The interest shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. Records shall be kept of efforts made to return a deposit;

(C) Upon discontinuance or termination, it shall be credited, with accrued interest, to the charge stated on the final bill and the balance, if any, shall be returned to the customer within twenty-one (21) days of the rendition of such final bill;

(D) Upon satisfactory payment of all undisputed charges during the last twelve (12) billing periods, it shall with accrued interest be promptly refunded or credited against charges stated on subsequent bills. A telecommunications company may withhold refund of a deposit pending the resolution of a dispute with respect to charges secured by such deposit;

(E) A telecommunications company shall maintain records which show the name of each customer who has posted a deposit, the current address of such customer, the date and amount of deposit, the date and amount of interest paid and the earliest possible refund date;

(F) A telecommunications company shall upon request provide within ten (10) days a receipt that contains the following information:

1. Name of customer;

2. Address where the service for which the deposit is required will be provided;

3. Place where deposit was received or a designated code which identifies the location;

4. Date when the deposit was received;

5. Amount of the deposit; and

6. The terms which govern retention and refund of the deposit;

(G) A telecommunications company shall maintain a record of the deposit refunded and interest paid on such deposit for a period of at least two (2) years after the refund is made; and

(H) A telecommunications company shall permit a customer to post a deposit required as a condition of continued service in two (2) equal monthly installments or as otherwise agreed upon. A company may bill these installments as a line-item on customer bills.

(6) A guarantor shall be released upon satisfactory payment of all undisputed charges during the last twelve (12) billing periods. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent, provided it is not in dispute. All telecommunications companies shall provide to the commission upon request credit criteria and screening procedures, and standardized record keeping and verification procedures for uncollectible accounts.

(7) A telecommunications company may request an advance payment for the limited purpose of securing payment of installation charges, if applicable for that customer, and estimated charges for one (1) month of services requested by the customer unless a different amount is otherwise specified in the telecommunications company's tariff.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.060 Inquiries **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2359). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2359–2361). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment to section (1) was received. One written comment and one comment at the public hearing held on November 15, 1999, to section (3) were

received. Three general written comments to this proposed rule were received.

COMMENT: One written comment suggested that the Commission require companies to submit the procedures required in section (1) to the Commission for approval before implementation.
RESPONSE: The Commission finds that it would be too burdensome on the telecommunications companies and on the limited resources of the Staff of the Commission to require every company procedure to be submitted to the Commission for review before implementation. The Commission finds that it is adequate to require the telecommunications companies to submit that information to the Commission upon request. Therefore, the Commission determines that no amendment to this proposed rule is necessary as a result of this comment.

COMMENT: One written comment was received which suggested that section (3) require the statement of rights of customers to be submitted to the Staff of the Commission for approval before being implemented. The commenter stated that a copy should also be submitted to the Office of the Public Counsel for its review and comment. The commenter also suggested that section (3) require the statement be placed in both the telephone directory and individual notice to customers.
RESPONSE: The rule as proposed requires the statement to be submitted to the Commission upon request. The Commission finds that it would be too burdensome on the limited resources of the Staff of the Commission to require every company to submit its statement of customer rights for review before implementation. The Commission also finds that it has insufficient information to determine that the statement in the directory and individual notice to customers would be cost effective. Therefore, the Commission determines that no amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One witness testified at the public hearing that it is unclear whether or not a statement of rights and responsibilities must be published in the directory for each competitive carrier whose information is published in the directory or if one recitation of the statement is adequate. The witness suggested that the Commission may want to amend the rule to clarify that "if multiple phone companies are represented by a directory, these types of informational messages need only appear once."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that if the statements prepared by the companies contain identical information, then only one copy of the statement is required to be published. The Commission also notes that the companies have the option of publishing the notice in the directory or sending individual notices to the customers. The Commission finds the company's suggestion to be reasonable and therefore amends section (3).

COMMENT: One general written comment was received which objected to the rule because the rule applies only to residential customers and does not extend to business customers. The commenter also made statements which the Commission interpreted as suggestions for additional requirements to be included in the rule. One of these suggestions is that the company "designate the name, company title, business address and telephone number of a provider employee who is designated to respond to commission inquiries and maintain this data on file with the commission and with the public counsel."
RESPONSE: The Commission finds that this rule should not be applied to both residential customers and to business customers. The Commission acknowledges that not every business customer has the resources or bargaining power of a large business. However, the Commission finds that applying this rule to business customers could result in a reduction in competitive companies' abilities to negotiate contracts. In response to the additional requirements suggested by the commenter, the Commission states that most of those requirements are included in this proposed rule and other proposed rules of this chapter. The suggestion that the companies be required to file with the Commission and the Office of the Public Counsel the name and other information of a designated company employee is currently the subject of Commission review under another chapter of its rules. Therefore, the Commission will not include that requirement at this time. The Commission finds that no amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One written comment from a telecommunications company was received which generally supported this rule as proposed. The commenter stated that the company did not object to this rule and already had procedures in place to process customer inquiries and inform customers of their rights.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One general written comment in support of the rule as proposed was received.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of this comment.

4 CSR 240-33.060 Residential Customer Inquiries

(3) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of both the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. If multiple telecommunications companies are represented in a directory, and each has identical statements of rights and responsibilities, the information need only appear once. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

(A) Billing procedures;

(B) Customer payment requirements and procedures;

(C) Deposit and guarantee requirements;

(D) Conditions of termination, discontinuance and reconnection of service;

(E) Procedures for handling inquiries;

(F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;

(G) Complaint procedures under 4 CSR 240-2.070;

(H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and

(I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.

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ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.070 Discontinuance of Service **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2362). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

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ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2362–2366). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Seven written comments were received from representatives of the telecommunications industry and state agencies. In addition, comments from representatives of five different telecommunications companies and the Commission's Staff made comments at the public hearing for the rule held on November 15, 1999.

COMMENT: One written comment suggested that subsection (1)(D) be amended so that a customer's telecommunications service may only be disconnected for failure to comply "substantially" with the terms of a settlement agreement.
RESPONSE: The word "substantially" appears in the current rule that was originally promulgated in 1977. However, the Commission intends to remove some of the subjectivity of this rule. The subsection is already subject to interpretation in determining what constitutes a "failure to comply." The ambiguity of the rule is compounded by leaving open the interpretation of "substantial compliance." Therefore, the Commission finds that no amendment to this rule is necessary as a result of the comment.

COMMENT: One written comment opposed section (2) to the extent that "the proposed rule . . . exempts the failure to pay charges, other than those for basic local, as grounds for disconnection." The commenter stated that it "is inappropriate to exempt customers from disconnection for failure to pay non-basic local services . . . or toll services." The commenter also indicated that the Commission's rules on "slamming" should eliminate customer fears of being disconnected for failure to pay for services that the customer did not authorize. The commenter suggested amendments to section (2).
RESPONSE: The Commission finds that basic local service should not be disconnected for failure to pay charges for non-basic local telecommunications services. The Commission determines that the rule as proposed is consistent with recent Federal Telecommunications Commission decisions and the Commission's duties to balance the interests of both the customers and the telecommunications industry in Missouri. Therefore, the Commission finds that no amendment to this rule is necessary as a result of this comment.

COMMENT: One written comment was filed by a telecommunications company that objected to section (2). The commenter stated that "[b]ased upon [its] experience in states with and without rules similar to the proposal, prohibiting the disconnection of basic local telecommunications service for nonpayment of non-basic services substantially increases uncollectibles and other administrative costs." The commenter stated that if the "Commission decides to implement toll blocking as a substitute for the existing rule, it should allow local exchange carriers to block access to all long distance providers." The commenter urged the Commission to retain section (2) of the current rule.

A representative of the same company made comments at the public hearing for this rule. The commenter at the hearing stated that in other states that have prohibited disconnection of basic local telecommunications service and that also do not allow global toll blocking, the levels of uncollectible accounts have increased. The commenter at the hearing also stated that adding global toll blocking was the second best solution; however, discontinuance of dial tone is the company's first preference.

RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that basic local service should not be disconnected for failure to pay charges for non-basic local telecommunications services. The Commission determines that the rule as proposed is consistent with recent Federal Telecommunications Commission decisions and the Commission's duties to balance the interests of both the customers and the telecommunications industry in Missouri. The Commission also finds that it is in the public interest to continue basic local service to customers. However, the Commission finds that toll blocking is a reasonable safeguard of the interest of the telecommunications companies. Therefore, the Commission will add a new section (3) to allow "global toll blocking" and the elimination of any optional, non-basic calling features and functions for customer nonpayment of delinquent charges for other than basic local telecommunications service. The Commission will also renumber the remaining sections of the proposed rule accordingly.

COMMENT: One written comment was received from a telecommunications company which objected to section (2). The commenter stated that the proposed "local service disconnection policy will adversely affect the movement toward a more competitive market, rather than fostering competition." The commenter stated that the policy is contradictory to the spirit of the Telecommunications Act of 1996. The commenter also stated that if the discontinuance of service policy is implemented as proposed, consumers will have the ability to "move from one long distance carrier to another without providing payment for their use of the network." The commenter stated that this will increase costs for the providers and create a disincentive for providers to serve high risk customers.

The commenter stated that if the Commission determines that basic local service cannot be discontinued for nonpayment of non-basic local telecommunications services, then global toll blocking must be allowed. The commenter suggested language for the Commission to use in implementing a global toll blocking provision.

RESPONSE AND EXPLANATION OF CHANGE: For reasons discussed in the response to the previous comment, the Commission has determined that a new section (3) allowing global toll blocking is appropriate. The Commission is amending this rule by adding a new section (3) using the language suggested by the commenter.

The Commission will also renumber the remaining sections accordingly and change section number references as necessary.

COMMENT: One written comment was filed by a telecommunications company which objected to section (2). The commenter stated that the elimination of full service denial will increase the uncollectible accounts of his company. The commenter suggested two alternatives for allowing the customer to retain basic local service. The first alternative was that the customer must agree to a payment plan for past due balances. The second alternative was that the Commission allow companies to institute toll blocking. The same commenter made similar remarks at the public hearing for this rule.
RESPONSE AND EXPLANATION OF CHANGE: For reasons discussed in the response to the previous comments, the Commission has determined that a new section (3) allowing global toll blocking is appropriate.

COMMENT: One general written comment was filed by the Staff of the Commission in support of the proposed rule. The commenter stated that the rule should be adopted as proposed. The commenter stated that the basic premise of the proposed rule "is that basic local telecommunications service may not be discontinued for customer nonpayment of a delinquent charge for other than basic local telecommunications services." The commenter stated that the Federal Communications Commission (FCC) in an April 15, 1999, order in CC Docket No. 98-170, concluded that telecommunications companies should distinguish between "deniable" and "non-deniable" charges. The commenter argued that the statements of the FCC indicate support for the "concept whereby non-payment of certain charges on a telephone bill may not result in a complete discontinuance of telecommunications service." The commenter listed eight states that have implemented similar provisions limiting the discontinuance of basic local telecommunications service for nonpayment of other than basic local telecommunications service charges.

The commenter also recommended that the purpose clause of the rule be amended by inserting the word "establishes" before the word "procedures."

A representative for the Staff of the Commission also testified at the public hearing for the rule. The commenter stated that global toll blocking "might be a step in the right direction."
RESPONSE AND EXPLANATION OF CHANGE: The Commission has addressed the comments of its Staff in its responses to the comments of the telecommunications industry. The Commission has made amendments as appropriate including the addition of a provision for global toll blocking. In addition, the Commission agrees with its Staff's suggestion that the purpose clause of the rule be amended.

COMMENT: One written comment suggested that the term "discontinued" be added to section (2) because that term is defined in this chapter.
RESPONSE AND EXPLANATION OF CHANGE: The Commission has determined upon review of the proposed rule that section (2) should be amended by replacing the word "disconnected" with the word "discontinued." This amendment will make the language in the proposed rule consistent.

COMMENT: One written comment was received which suggested that it would be in the customers' best interest to amend section (3) to include the first sentence of the rule that is currently in effect.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested amendment is reasonable. The Commission will amend section (3) as suggested.

COMMENT: One written comment was received which suggested that section (3) include a requirement that "service shall not be disconnected for nonpayment of a delinquent charge until five days after a charge has been delinquent." The commenter stated that this requirement is in the current rule.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter that the deletion of this requirement which was formerly in the rule could leave the customer open to discontinuance of service on the day after a charge is delinquent. However, this proposed rule provides that multiple notices must be given to the customer before discontinuance. In addition, the rules prohibit the discontinuance from taking place except during certain business days. Therefore, the Commission finds that the risk of abuse of this rule by the company is so small that no further amendment to the rule is warranted.

COMMENT: The Staff of the Commission filed a written comment in support of section (4). The commenter stated that section (4) mirrored requirements for other types of utilities in 4 CSR 240-13.050(5) with regard to notice to the customer. The commenter stated the proposed rule also provides that a telecommunications company may deliver a written notice by hand to the customer. A representative of the Staff testified at the public hearing that one reason for the change from five to ten days notice was a recent trend for these notices to be mailed from another state.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of the comment.

COMMENT: Four written comments were received which opposed section (4) because it changes the time period for mailing of the notice of discontinuance of service from five days to ten days. One commenter stated that the increased mailing time would require it to change its procedures and therefore it would incur the costs of that change. The second commenter stated that five days was sufficient because the customer already has 21 days from the date of billing to pay the bill and should not need more time. The third and fourth commenters stated that increasing the number of days before discontinuance may increase the amount of uncollectibles for the companies. The third commenter also stated that the rule should be modified to permit electronic delivery of notices as an option. One of the company representatives testified at the hearing that his company had not conducted any studies to show that the costs would increase.
RESPONSE: The Commission finds that the proposed rule provides options for either mailing the notice of discontinuance of service or for hand delivering that notice. It has been brought to the Commission's attention that many of these notices are being mailed from out of state and therefore, five days may not be sufficient time for mailing and for customer response. The Commission finds that ten days in conjunction with the option of hand delivering notice is sufficient time and is a reasonable requirement.

The Commission also appreciates the comment on electronic notices and believes that this may be an option for notifying customers of discontinuance of service in a future rulemaking. At the suggestion of comments on other proposed rules in this chapter, the Commission did make provisions for electronic billing. However, the Commission is not comfortable allowing notices of disconnection to be given by electronic methods without more discussion and comment by the general public as to the adequacy of that method. The Commission encourages companies to send electronic notices in addition to the requirements of this rule as a service to their customers. Therefore, the Commission determines that no amendment to this rule is necessary as a result of these comments.

COMMENT: One written comment suggested that section (4) should be amended to include a requirement that "A notice of discontinuance shall not be effective if a customer has pending with the telephone utility a complaint concerning the charge upon which the notice is based." The commenter states that this requirement

is in the current rule and is in the public interest. The commenter stated that the language "sent or delivered" in section (4) is confusing. The commenter also objected to the option for hand delivery of a notice because of the shorten time frame. The commenter suggested that if service is by mail the customer should be given ten business days advance notice and that if service is by hand the customer should be given five business days advance notice.

RESPONSE AND EXPLANATION OF CHANGE: This proposed rule provides many safeguards for customers to guard against discontinuance of service without proper notice to the customer. Rule 33.110 states that the subject matter of any complaint filed with the Commission shall not constitute a basis for discontinuance. In addition, the Commission has added a provision in proposed rule 33.080 indicating that a customer cannot have service discontinued as a result of charges which are in dispute. Therefore, no changes are necessary to this rule.

The time period for mailing of the notice will be lengthened by this proposed rule from five to ten days. In addition, the Commission has established an alternative for the companies to mailing notices. The Commission finds that the language "sent or delivered" is confusing and will amend section (4) to clarify that the notice shall be served on the customer at least 10 days prior to discontinuance of service or as an alternative, the company can hand deliver the notice at least 96 hours in advance of the discontinuance.

COMMENT: One written comment in support of section (6) was received. The commenter stated that the proposed section (6) was consistent with requirements for other types of utilities in 4 CSR 240-13.070(6) and clarifies what is considered a "reasonable effort." This commenter also testified at the public hearing for this rule that section (6) is consistent with the notice provisions for disconnection of other utility services under the provisions of Chapter 13 of the Commission's rules.

RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of the comment.

COMMENT: One written comment was received from a telecommunications company which objected to the portion of section (6) which defines reasonable efforts as a written notice, a door hanger, or two attempted telephone calls. The commenter stated that these "reasonable efforts" were cost prohibitive and encouraged the customer to wait until this final notice to pay delinquent charges. The commenter stated that in her company's experience a substantial number of delinquent accounts "are habitually delinquent." The commenter recommended that the proposed rule include a provision requiring the "additional notice only if the customer has not been delinquent in the previous 12 months." Similar comments were made by a representative of the same company at the public hearing for the rule.

RESPONSE AND EXPLANATION OF CHANGE: The requirement of this proposed rule to make a reasonable effort to contact the customer at least 24-hours prior to discontinuance of service is not a new requirement. The current rule has the same requirement which was originally promulgated in 1977. The difference is that the Commission has attempted to define what constitutes a "reasonable effort" so that the provision is not so subjective. The Commission finds that its use of the term "reasonably calculated" has caused confusion. The Commission did not intend for this rule to require the companies to hire additional after-hours staff in order to comply with this notice requirement. What the Commission did intend was for the companies to give written notice which would actually be delivered to the customer at least 24 hours in advance of discontinuance or to make two attempts to actually speak to the customer on the telephone. Because the term "reasonably calculated" is just as ambiguous as the term "reasonable efforts" the Commission will delete this language from the proposed rule.

The Commission finds that the requirements of the rule as written are too burdensome for the companies. Therefore, the Commission will amend the definition of "reasonable efforts" to allow the companies to make only one telephone call attempt to reach the customer.

COMMENT: Four written comments were filed by three individual telecommunications companies and a group of telecommunications companies which objected to a portion of section (6). Representatives of the individual telecommunications companies also made remarks at the public hearing on this rule.

The commenters indicated that a "reasonable effort" should be considered only one telephone call attempt rather than two attempts. One commenter states that it is not opposed to the option of door hangers but states it believes some customers may find door hangers to be a privacy concern. At the public hearing a representative of that company stated that if only one call was required the burden on the company would be reduced.

Another commenter stated that the phrase "reasonably calculated to reach the customer" if interpreted to mean that a call must be attempted after business hours, could lead to substantial costs for the company.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has addressed these comments in its response to the prior comments and has made amendments to the proposed rule as appropriate.

COMMENT: A representative of one telecommunications company made comments at the public hearing on this proposed rule. During his remarks, the commenter stated that the concern of this company with regard to section (6) was that the Commission may be defining reasonable efforts too narrowly. The commenter indicated that the company was concerned about this provision, but was not objecting to it strongly.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has addressed this comment in its response to the previous comments and has made amendments to the proposed rule as appropriate.

COMMENT: One written comment stated that section (6) should include as a possible "reasonable effort" a written notice which is hand delivered to the customer. The commenter indicates that section (6) when it refers to section (4) is unclear and inconsistent.

RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that section (6) is not inconsistent but does need clarification. Therefore the Commission will amend the reference to section (4).

COMMENT: One written comment suggested that section (7) needs to be amended to state that the postponement due to medical assistance of a discontinuance will be for a period of "at least 21 days." The commenter stated that as proposed the rule limits the company from extending the discontinuance beyond 21 days and does not require any continuance of service for medical assistance purposes.

RESPONSE AND EXPLANATION OF CHANGE: This section of the proposed rule had only minor nonsubstantive changes from the current rule. However, the Commission agrees that the amendment as suggested should be made. The intent of the rule is to postpone discontinuance for at least 21 days if the service is necessary. Therefore, the Commission will amend the rule to reflect this intent.

COMMENT: One written comment was received which suggested that section (9) should be amended to specifically require that payment be accepted by personal check except where the customer had a recent dishonored check.

RESPONSE: The Commission does not have sufficient information on the numbers of dishonored checks used to pay delinquent accounts to implement a rule this restrictive at this time. Therefore, the Commission will not make an amendment to this rule as a result of this comment.

COMMENT: One written comment was received which suggested that sections (10) and (11) of the rule that is currently in effect should be added to the proposed rule. The commenter stated that these sections are important to protect the rights of the companies. The commenter stated that a "company should not be required to continue to provide service to a customer who does not intend to pay for services or who has damaged or intends to damage telephone company equipment."

RESPONSE: Proposed section (1) provides authorization for telecommunications companies to discontinue service for the possibility of damage or destruction to equipment, nonpayment of delinquent charges, and for any other reason authorized by state or federal law. The Commission finds that the provisions of old section (10) are not necessary and may be redundant. Therefore, the Commission determines that no amendment to this rule is required as a result of this comment.

COMMENT: One written comment suggested that section (10) of the current rule be included. The commenter stated that that section was an effective tool "against a customer that intends to damage equipment or defraud the company, thereby driving up the cost for all customers."

RESPONSE: For the reason stated in the response to the prior comment, the Commission finds that no amendment to this proposed rule is necessary as a result of this comment.

COMMENT: One general written comment was received which objected to the rule because the rule applies only to residential customers and does not extend to business customers.

RESPONSE: The Commission finds that this rule should not be applied to both residential customers and to business customers. The Commission acknowledges that not every business customer has the resources or bargaining power of a large business. However, the Commission finds that applying this rule to business customers could result in a reduction in competitive companies' abilities to negotiate contracts.

4 CSR 240-33.070 Discontinuance of Service to Residential Customers

PURPOSE: This rule prescribes the conditions under which service to a residential customer may be discontinued and establishes procedures to be followed by telecommunications companies and residential customers regarding these matters so that reasonable and uniform standards exist for the discontinuance of service.

(1) Telecommunications service may be discontinued for any of the following reasons:

(A) Nonpayment of a delinquent charge except as limited by sections (2), (4) and (5) of this rule;

(B) Failure to post a required deposit or guarantee;

(C) Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;

(D) Failure to comply with terms of a settlement agreement;

(E) Refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment;

(F) Material misrepresentation of identity in obtaining telecommunications company service; or

(G) As provided by state or federal law.

(2) Basic local telecommunications service may not be discontinued for customer nonpayment of a delinquent charge for other than basic local telecommunications services. The failure to pay charges not subject to commission jurisdiction shall not constitute cause for a discontinuance of basic local telecommunication service.

(3) A telecommunications company may place global toll blocking and eliminate any optional, non-basic calling features and functions for customer nonpayment of delinquent charges for other than basic local telecommunications service.

(4) Subject to the requirements of this chapter, service may be discontinued during normal business hours on or after the date specified in the notice of discontinuance. Basic local telecommunications service shall not be discontinued on a day when the offices of a telecommunications company are not available to facilitate reconnection of basic local telecommunications service or on a day immediately preceding such day.

(5) Telecommunications service shall not be discontinued under section (1) of this rule unless written notice by first-class mail is served on the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a telecommunications company may deliver a written notice by hand to the customer at least ninety-six (96) hours prior to discontinuance.

(6) A notice of discontinuance shall contain the following information:

(A) The name and address and the telephone number of the customer;

(B) A statement of the reason for the proposed discontinuance and the cost for reconnection;

(C) The date after which service will be discontinued unless appropriate action is taken;

(D) How a customer may avoid the discontinuance;

(E) The customer's right to enter into a settlement agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one time;

(F) The telephone number where the customer may make an inquiry;

(G) A statement that this notice will not be effective if the charges involved are part of an unresolved dispute; and

(H) A statement of the exception for medical emergency under section (8) of this rule.

(7) At least twenty-four (24) hours preceding a discontinuance of basic local telecommunications service, a telecommunications company shall make reasonable efforts to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice in addition to the notice required in section (5), a door hanger or at least one (1) telephone call attempt to reach the customer.

(8) Notwithstanding any other provision of this chapter, a telecommunications company shall postpone a discontinuance for at least twenty-one (21) days if service is necessary to obtain emergency medical assistance for a person who is a member of the household where the telephone service is provided and where such person is under the care of a physician. Any person who alleges such emergency, if requested, shall provide the telecommunications company with reasonable evidence of such necessity.

(9) Upon the customer's request, a telecommunications company shall restore service consistent with all other provisions of this chapter when the cause of discontinuance has been eliminated.

(10) Payment by personal check may be refused if the customer, within the last twelve (12) months, has tendered payment in this

manner and the check has been dishonored, except when the dishonor is due to bank error.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.080 Disputes **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2367). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.080 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2367–2370). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were received from four separate sources. Oral comments from one telecommunications company were received at the public hearing for this rule held on November 15, 1999.

COMMENT: One written comment was received from a telecommunications company that objected to rule 33.080 as proposed. The commenter specifically stated that section (1) should be revised to "remove [the] opportunity for customers to game the system and delay payment past the due date." The commenter suggested that the rule be redrafted to anticipate frivolous complaints. A representative for the same company made remarks at the public hearing on the rule. The commenter at the hearing stated that it was more appropriate for a customer to be required to register his or her dispute on or by the delinquent date rather than up to 24 hours in advance of disconnection. The company representative stated that the company's concern was that the undisputed portion of the bill be paid by the due date.

RESPONSE AND EXPLANATION OF CHANGE: The rule currently in effect allows the customer to register a dispute anytime prior to the delinquent date of the charges. The Commission rules govern the length of time between the due date of a payment and the delinquent date. The company points out that an overlapping dispute period and disconnection period could be confusing to both the customer and the company and could cause inadvertent disconnection. The customer may register a dispute before the due date of the payment or at anytime before the delinquent date. The Commission finds that the proposed rule should be amended to require customers to register disputes prior to the delinquent date of payment.

COMMENT: One written comment was received from a telecommunications company which objected to section (1) of the proposed rule. The commenter stated that the rule currently in effect gives adequate protection to customers by allowing them to register a dispute before the payment delinquent date. The commenter suggested that unscrupulous customers may feign disputes in order to extend service. In addition, the commenter stated that the overlap between disconnection activities and dispute activities could lead to inadvertent disconnection of some customers.

RESPONSE AND EXPLANATION OF CHANGE: While the Commission does not necessarily agree that customers are registering frivolous complaints in order to maintain service, the Commission does agree that it is reasonable to require customers to register a complaint with the company prior to the delinquent date. The Commission determines that proposed section (1) should be amended.

COMMENT: One written comment to section (3) was received. The commenter objected to the customer being subject to discontinuance of service due to failure to cooperate in resolving the dispute. The commenter suggested that a more reasonable sanction would be to "provide that failure to cooperate 'may result in the rejection of the disputed claim' or that it may result 'in the resolution of the dispute against the customer.'"

RESPONSE: The customer has many rights guaranteed to him or her under the rules of the Commission. The procedures for filing a complaint with the Commission are set out in the Commission's rules. The Commission finds that a company cannot reasonably resolve a dispute without the cooperation of the customer and therefore, the company needs some guarantee that the customer will be required to at least take some reasonable measures toward resolution of the dispute. The Commission finds that the requirements in the rule and the sanctions provided are reasonable. Therefore, the Commission finds that no amendment to this rule is necessary.

COMMENT: One written comment suggested that the second sentence in section (4) be deleted because it was unnecessary. The commenter, a telecommunications company, stated that "[t]he dispute rarely centers on amount but rather on whether a charge is owed."

RESPONSE: It has been the Commission's experience in handling the complaints of customers, that some customers do dispute the amount of the charge as well as the charge itself. Even the commenter implies that the amount may be in dispute on "rare" occasions. The Commission finds that the second sentence of the rule will provide a procedure for those disputes over amount and therefore, no amendment to section (4) is necessary as a result of this comment.

COMMENT: One written comment to proposed rule 33.070 was also filed in this proposed rule and relates directly to it. In that

comment, the issue of discontinuance for nonpayment of charges which are subject to a dispute is raised.
RESPONSE AND EXPLANATION OF CHANGE: The Commission determines after reviewing the proposed rules and the comments that the prohibition against discontinuance of service for nonpayment of charges which are the subject of a dispute has been inadvertently removed from proposed Chapter 33. The prohibition is implied, and the comments to the proposed rule assume that it exists, but no specific prohibition is included in the rules. Therefore, the Commission will amend section (4) and (5) to explicitly state this prohibition.

COMMENT: One written comment was received which suggested that section (6) be amended. The commenter suggested that in order to have consistent time frames in this rule, "'4 working days' should be modified to '5 business days'."
RESPONSE: The Commission interprets this comment to suggest that the term "working days" in section (6) be amended to read "business days." The commenter made no statement as to why five days should be required instead of four days. The Commission finds that the term "business days" is not used elsewhere in this rule and therefore, is not inconsistent with any other provision of this rule. The Commission determines that no amendment to this proposed rule is necessary as a result of this comment.

COMMENT: One written comment suggested that interest should be included on any amount refunded to the customer.
RESPONSE: The Commission has insufficient information regarding the amount of charges that are refunded to customers, the length of time those amounts have been held by the company, or the frequency with which this occurs. The Commission finds that making such a requirement would not be reasonable without proposing this as a separate rulemaking proceeding where comments from the general public and the industry can be received and the fiscal impact can be studied. Therefore, the Commission determines that no amendment to this rule is necessary as a result of this comment.

COMMENT: One comment in support of section (9) was received from a telecommunications company. The commenter stated that section (9) "will increase efficiency and streamline complaint procedures."
RESPONSE: The Commission finds that no amendment to this rule is necessary as a result of this comment.

COMMENT: One written comment suggested that section (9) be clarified by adding the phrase, "After the resolution of the customer complaint," to the beginning of the section.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that this suggestion would clarify the intent of the section. Therefore, the Commission will amend section (9) as suggested.

COMMENT: One general written comment in support of the proposed rule was received. The commenter stated that section (5) was consistent with other Commission rules found in 4 CSR 240-13.045.
RESPONSE: The Commission finds that that no amendment to this rule is necessary as a result of this comment.

COMMENT: One general written comment was received which objected to the rule because the rule applies only to residential customers and does not extend to business customers. The commenter suggested that a new provision be added to the rule that would require the companies to keep records of consumer complaints and reports of billing errors. The commenter recommended that the rule require those records to be reported to the Commission on a quarterly basis. The commenter also objected to "the waiver of the right to continuance of service as a sanction for nonpayment of the undisputed amount."
RESPONSE: The Commission finds that this rule should not be applied to both residential customers and to business customers. The Commission acknowledges that not every business customer has the resources or bargaining power of a large business. However, the Commission finds that applying this rule to business customers could result in a reduction in competitive companies' abilities to negotiate contracts.

The Commission's rules require that a company keep track of billing records for customers. In addition, the Commission has statutory authority to investigate companies and to audit records of the companies. The Commission's rules also provide complaint procedures for customers. The Commission finds that there is not sufficient information to add additional record keeping requirements for the companies at this time. The Commission determines that this requirement would be more appropriate as a separate rulemaking where comments from the public and the industry can be received and the fiscal impact of the rule can be studied.

Finally, some of the statements received from this commenter were unclear. However, the Commission finds that it is reasonable for a customer to be subject to discontinuance of service for nonpayment of undisputed charges. Therefore, Commission finds that that no amendment to this rule is necessary as a result of this comment.

4 CSR 240-33.080 Disputes by Residential Customers

(1) A customer shall advise a telecommunications company that all or part of a charge is in dispute by written notice, in person or by a telephone message directed to the telecommunications company during normal business hours. A dispute must be registered with the utility prior to the delinquent date of the charge for a customer to avoid discontinuance of service as provided by these rules.

(4) If a customer disputes a charge, the customer shall pay an amount to the telecommunications company equal to that part of the total bill not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior usage, the nature of the dispute and any other pertinent factors in determining the amount not in dispute. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

(5) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the telecommunications company, at the company's option, an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

(9) After resolution of the customer complaint, a telecommunications company may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and is not required to comply with these rules more than once prior to discontinuance of service.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250

and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.090 Settlement Agreements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2371). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.090 Settlement Agreements with Residential Customers **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2371). No changes have been made to the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three written comments to the proposed rule were received. No comments to this proposed rule were received at the public hearing held on November 15, 1999.

COMMENT: One general written comment was received that objected to the rule as proposed because the rule applies only to residential customers and not to business customers. The commenter also stated that "[c]ustomers should be advised in the collection process that cancellation of optional, non-basic services may assist them to retain basic local calling service."
RESPONSE: The rule as proposed is substantially similar to the rule currently in effect that was originally promulgated in 1977. The Commission finds that this rule should not be applied to both residential customers and to business customers. The Commission acknowledges that not every business customer has the resources or bargaining power of a large business, however, the Commission finds that applying this rule to business customers could result in a reduction in these competitive companies' abilities to negotiate a contract. Furthermore, the Commission finds that there is not sufficient information to determine that customers may be better able to retain basic local calling service by the cancellation of non-basic services. Therefore, the Commission finds that no changes to this proposed rule are required as a result of the comment.

COMMENT: Two written comments were received which generally supported the rule as proposed.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as result of the comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.100 Variance **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2371–2372). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2372). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three written comments to the proposed rule were received. No comments were received for this proposed rule at the public hearing held on November 15, 1999.

COMMENT: One written comment was received which suggested that section (2) be amended so that the requirements of a request for a variance in this chapter is similar to the requirements for a request for variance in Chapter 2 of the Commission's rules. The commenter also suggested that the rule require a copy of the request for variance to be served on the Office of the Public Counsel.
RESPONSE: The proposed rule requires that requests for variances be filed with the Secretary of the Commission in accordance with rule 2.060. In addition, all pleadings, including a request for variance, are subject to all of the procedural rules in Chapter 2. The Commission has recently promulgated new rules in Chapter 2 that require all pleadings be served on the Office of the Public Counsel. Therefore, the Commission finds that no amendment to the proposed rule is necessary as a result of this comment.

COMMENT: One written comment was received in general support of the proposed rule. The commenter suggested two grammatical changes to the proposed rule. First the commenter suggested that

the word "variances" at the end of section (1) be changed to "that variance." Second, the commenter suggested that the phrase "in compliance with 4 CSR 240-2.060" be moved to the end of the sentence.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested grammatical changes should be made. Therefore, the Commission will amend sections (1) and (2) as recommended.

COMMENT: One written comment was received which suggested that section (3) be amended by adding the words "if applicable" at the end of the section. The commenter explains that not all variances granted by the Commission (e.g. extensions of time) will affect a company's tariff.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter. The Commission finds that some variances granted by the Commission are purely procedural and do not affect a company's tariff. Therefore, the Commission will amend section (3) to clarify that variances shall be reflected in the company's tariff only where applicable.

4 CSR 240-33.100 Variance

(1) Any telecommunications company or customer may request authority for a variance from any provision of this chapter and the commission may grant that variance.

(2) A variance request shall be filed in writing with the secretary of the commission in compliance with 4 CSR 240-2.060.

(3) Any variance granted by the commission shall be reflected in a tariff if applicable.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.110 Commission Complaint Procedures **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2372). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.110 Commission Complaint Procedures **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2372–2373). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Four written comments were received. One comment to this proposed rule was received at the public hearing held on November 15, 1999.

COMMENT: One written comment was filed in which the commenter stated that the telecommunications company that she represented had no objection to the proposed rule due to its similarity to the rule which is currently in effect.
RESPONSE: The Commission finds that no amendment to this rule is necessary as a result of this comment.

COMMENT: One written comment from a telecommunications company was filed in response to section (3). A representative for the same company made oral comments at the public hearing held on November 15, 1999. The commenter stated that the requirement that service continue pending the "resolution" of a complaint is problematic for the telecommunications company. The commenter stated that when an informal complaint is filed with the Commission there may not be an easily identified date by which the complaint is resolved. At the hearing the commenter suggested revised language for section (4) which would "anticipate frivolous disputes." The commenter stated that the telecommunications company that he represents is complying with the rule currently in effect which is very similar.
RESPONSE: The Commission finds that this rule is substantially similar to the rule currently in effect which was originally promulgated in 1977. The Commission received no other opposition to this rule and received one supportive comment to the rule from a separate telecommunications company. Therefore, the Commission determines that no change to the proposed rule is necessary as a result of this comment.

COMMENT: One general comment in support of this rule was filed which indicated that this rule was substantially similar to the current rule in effect.
RESPONSE: The Commission finds that no amendment to this rule is necessary as a result of this comment.

COMMENT: One written comment was filed with the Commission with regard to this proposed rule. The comment was very general as to the nature of competition and the focus of Chapter 33 of the Commission's rules. The comment was not specific to rule 33.110 and neither expressed support for or opposition to the rule.
RESPONSE: The Commission finds that no amendment to the proposed rule is necessary as a result of the comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250

and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2373–2375). The section with changes is reprinted here. The title of the proposed rule has been amended and is reprinted below. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two written comments to this rule were received. No comments were received at the public hearing for this rule held on November 15, 1999.

COMMENT: One written comment was received that expressed general support for the proposed rule, however, the commenter stated that some amendment to the proposed rule was necessary. The commenter stated that "[i]f tariffs are to be required, the Commission should permit companies to protect their interests by including provisions that make the discount subject to the customer obtaining funds from the federal fund."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the discounted rates to eligible schools and libraries should be tariffed. The Commission interprets the comment as requesting that if tariffs are required, the rule should require intrastate discounts only be available if that customer is also receiving funds from the federal fund. It was the intent of the Commission to include this requirement in the rule as proposed. However, the Commission finds that the first sentence of section (2) should be restated in order to clarify this rule. Therefore, the Commission will amend the first sentence of section (2).

COMMENT: One written comment generally supported the rule as proposed. The commenter suggested, however, that the title of the rule be amended to accurately reflect the content of the rule.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that no changes are necessary to the text of the rule as a result of the comment. The Commission finds that the title to the rule should be amended to accurately reflect that the subject matter of the rule is "discounts" rather than "deferrals."

4 CSR 240-33.120 Payment Discounts for Schools and Libraries that Receive Federal Universal Service Fund Support

(2) The intrastate discounts shall be available to the extent that the eligible schools and libraries also receive funds from the Federal Universal Service Fund and subject to the terms and conditions set forth in 47 CFR 54.500–54.517. Discounts on intrastate telecommunications services for eligible schools and libraries shall mirror the interstate discount as stated in the FCC Report and Order in CC Docket No. 96-45 (FCC 97-157), as adopted by the Missouri Public Service Commission in Docket No. TO-97-552. Any adjustments to the discount matrix shall be in accordance with the FCC's Report and Order in CC Docket No. 96-45 (FCC 97-157), paragraphs 538 and 542, or as adjusted in any future FCC decision or federal legislation on the subject.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2376). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two written comments to this rule were received. A hearing to receive public comments to this rule was held on November 15, 1999. One witness made comments to this rule at the hearing.

COMMENT: One written comment was received in opposition to section (8). The commenter objected to the section because it "requires operator service providers to provide information on how to reach interexchange carriers." The commenter stated that operator service providers could not provide dialing instructions for all interexchange carriers and suggested that the section be amended to delete that requirement. The commenter supported the other sections of the rule.

RESPONSE AND EXPLANATION OF CHANGE: The proposed rule would require the operator service provider to "transfer calls to, *or* advise how to reach, other authorized interexchange carriers or the local exchange company. (emphasis added) Deleting the phrase "or advise how to reach" as suggested by the commenter, would actually make the rule more restrictive for the operator service provider. Even with the deletion, the rule would still require the operator service provider to transfer the call, but the option to provide dialing instructions would no longer be available. Therefore, the Commission finds that no amendment to this proposed rule is necessary as a result of this comment. The Commission has deleted the "s" from "carriers" in the last line of section (8) for grammatical purposes.

COMMENT: One general written comment was received in support of the rule as proposed. The commenter stated that the rule as proposed sets standards which were first applied in the Commission's Case No. TA-88-218. The commenter stated that most telecommunications companies in Missouri currently follow these rules and include this language in their existing tariffs. The commenter stated that the rules are not burdensome and provide both guidance to the industry and protection for customers.

RESPONSE: The Commission agrees with the commenter and finds that no changes to the proposed rule are required as a result of this comment.

COMMENT: One witness testified at the public hearing on this rule. The witness stated that to the best of his knowledge most telecommunications companies in Missouri have already incorporated the terms of this proposed rule in their tariffs currently in effect.

RESPONSE: The Commission finds that no changes are necessary as a result of this comment.

4 CSR 240-33.130 Operator Service

(8) Upon request, the operator service provider will transfer calls to, or advise how to reach, other authorized interexchange carriers or the local exchange company. This service will be provided if billing can list the caller's actual origination point and an agreement exists between the operator service provider and the interexchange carrier or local exchange company.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.140 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2376–2377). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two written comments were received to this proposed rule. No comments to this rule were received at the public hearing held on November 15, 1999.

COMMENT: One written comment informed the Commission that current Federal Communications Commission rules "permit interexchange carriers (IXCs) to block some originating traffic. For example, an IXC may choose to block calls from pay telephones to avoid payment of per call compensation to the pay telephone provider."
RESPONSE AND EXPLANATION OF CHANGE: The Commission has reviewed the regulations of the Federal Communications Commission and has determined that section (6) should be amended to eliminate a potential conflict with federal regulations.

COMMENT: One general written comment was received in support of the proposed rule. The commenter stated that the proposed rule contained the same requirements with which private pay phone providers currently comply when they make application to the Commission for a certificate of service authority. The commenter stated that these rules will not hinder competition and will both provide guidance to the pay phone providers and protection for customers.
RESPONSE: The Commission finds that no amendment to this rule is necessary as a result of this comment.

4 CSR 240-33.140 Pay Telephone

(6) Pay telephone equipment shall not block access to any local or interexchange telecommunications company except as otherwise authorized by law.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2770). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.360 Emission Fee **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2770–2771). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.370 Inspection Station Licensing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2771). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.380 Inspector/Mechanic Licensing **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2771). No changes have been made to the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.390 Safety/Emission Stickers **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2771). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.401 General Specifications **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2772). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.402 MAS Software Functions **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2772). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2772). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.404 Test Record Specifications **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2772–2773). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.405 Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2773). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.406 Technical Specifications for MAS **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2773). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.407 Documentation, Logistics, and Warranty Requirements **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2773). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.410 Vehicles Failing Reinspection **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2773–2774). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 1999, the superintendent rescinds a rule as follows:

11 CSR 50-2.420 Procedures for Conducting Only Emission Tests **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2774). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 5—Aids to Navigation and Regulatory Markers

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Public Safety under section 650.005, RSMo Supp. 1999, the department amends a rule as follows:

11 CSR 80-5.010 Approval of Aids to Navigation and Regulatory Markers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2774–2775). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo Supp. 1999, the board amends a rule as follows:

13 CSR 73-2.015 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2813–2815). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo Supp. 1999, the board amends a rule as follows:

13 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2816–2818). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo Supp. 1999, the board amends a rule as follows:

13 CSR 73-2.070 Examination **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2819–2821). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 4—Membership and Creditable Service

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 1999, the board hereby amends a rule as follows:

16 CSR 10-4.014 Reinstatement and Credit Purchases **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2822). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment will become effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Nonteacher School Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 1999, the board hereby amends a rule as follows:

16 CSR 10-6.045 Reinstatement and Credit Purchases **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2823). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENT: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee amends a rule as follows:

19 CSR 60-50.470 Criteria and Standards for Financial Feasibility **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2825). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee amends a rule as follows:

19 CSR 60-50.700 Post-Decision Activity **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2825–2836). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 1998, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following application has been granted. This credit union has met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 1998.

Credit Union	Proposed New Group or Area
Arsenal Credit Union 8651 Watson Road Webster Groves, MO 63119	Zip Codes 63049, 63052 and 63026

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 1998, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
CommunityAmerica Credit Union 11125 Ambassador Drive, Suite 100 Kansas City, MO 64195	Persons who live or work in St. Charles County of Missouri and the Zip Codes of 63005, 63141, 63132, 63017, 63146, 63043, 63042 and 63031

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the ***Missouri Register****.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 1998, the Director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Kilowatt Credit Union 1021 Southwest Boulevard, Suite C-1 Jefferson City, MO 65109	Persons residing or working in Cole or Callaway Counties

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, P.O. Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the ***Missouri Register****.*

Title 20—DEPARTMENT OF INSURANCE

IN ADDITION

Pursuant to section 537.610, RSMo 1999 regarding the sovereign immunity limits for Missouri public entities, the director of insurance is required to calculate the new limitations on awards for liability.

Using the Implicit Price Deflator (IPD) for Personal Consumption Expenditures (PCE), as required by section 537.610, RSMo, the two new sovereign immunity limits effective January 1, 2000 were established by the following calculations:

Index Based in 1996 Dollars
Third Quarter 1999 IPD Index 104.49
Third Quarter 1998 IPD Index 102.77

New Limit = 1999 Limit × (1999 Index/1998 Index)

For all claims arising out of a single accident or occurrence:
2,033,473 = 2,000,000 × (1.0449/1.0277)

For any one person in a single accident or occurrence:
305,021 = 300,000 × (1.0449/1.0277)

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: http://www.state.mo.us/oa/purch/purch.htm. Prospective bidders may receive specifications upon request.

B1Z00303 Paper, Office and Print Shop 3/15/00;
B1Z00326 Aluminum License Plate 3/15/00;
B1Z00274 Stage & Concession Pipe, Drape Rental 3/16/00;
B1Z00327 Aircraft Engines 3/16/00;
B1Z00316 Steel Tubing & Rods 3/17/00;
B3Z00130 Referral/Outreach & Interpreter Services 3/17/00;
B3Z00143 Trash Collection Services 3/17/00;
B1Z00334 Tractors 3/20/00;
B1Z00252 Appliances 3/21/00;
B1Z00283 Fish Food 3/21/00;
B1Z00321 Accordion Folding Partitions 3/21/00;
B1Z00336 Steel Products 3/21/00;
B3Z00129 Housing Assistance Services 3/21/00;
B1Z00254 Food Products: Soup, Sauce & Gravy Mixes 3/22/00;
B1Z00318 Food: Fish, Raw Breaded 3/22/00;
B1Z00339 Trucks: Tractor 3/23/00;
B1Z00344 Vehicles: ATV and Utility 3/23/00;
B3Z00140 Temporary Nursing Services 3/23/00;
B3Z00151 Trash Collection Services 3/23/00;
B1Z00314 Mail Inserting System 3/24/00;
B1Z00328 Sampler, Air Quality Monitor 3/24/00;
B2Z00065 IBM Printer & CD Media 3/24/00;
B3Z00135 Advertising Agency Services-Tourism 3/30/00;
B3Z00144 Elevator Maintenance Services 4/3/00;
B3Z00114 Seminars-Solid Waste Disposal 4/18/00.

Joyce Murphy, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473 24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration	25 MoReg 143	24 MoReg 2577	25 MoReg 298	
1 CSR 20-5.010	Personnel Advisory Board		24 MoReg 2578	This Issue	
1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578	This Issue	
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579	This Issue	
1 CSR 20-5.025	Personnel Advisory Board		24 MoReg 2580	This Issue	
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676	25 MoReg 563	
2 CSR 30-2.020	Animal Health		This Issue		
2 CSR 60-1.010	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.011	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.040	Grain Inspection and Warehousing		24 MoReg 2755R		
2 CSR 60-4.070	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing		24 MoReg 2757		
2 CSR 60-4.150	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-4.180	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-5.010	Grain Inspection and Warehousing		24 MoReg 2759		
2 CSR 60-5.020	Grain Inspection and Warehousing		24 MoReg 2759R 24 MoReg 2759		
2 CSR 60-5.030	Grain Inspection and Warehousing		24 MoReg 2760R		
2 CSR 60-5.040	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.050	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.070	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing		24 MoReg 2762		
2 CSR 60-5.120	Grain Inspection and Warehousing		24 MoReg 2763		
2 CSR 80-2.180	State Milk Board	24 MoReg 2675	24 MoReg 2764	This Issue	
2 CSR 80-5.010	State Milk Board		25 MoReg 357		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		24 MoReg 2764 25 MoReg 477	25 MoReg 429	
3 CSR 10-4.115	Conservation Commission		24 MoReg 2581 25 MoReg 259	25 MoReg 50	
3 CSR 10-4.116	Conservation Commission		24 MoReg 2582 This Issue	25 MoReg 50	
3 CSR 10-6.405	Conservation Commission		24 MoReg 2586 25 MoReg 260	25 MoReg 51	
3 CSR 10-7.440	Conservation Commission		N.A.	25 MoReg 298	
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-2.160	Missouri State Board of Accountancy		24 MoReg 2625	25 MoReg 429	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 100	Division of Credit Unions				25 MoReg 116 25 MoReg 225 25 MoReg 225 This Issue This Issue This Issue
4 CSR 100-2.190	Division of Credit Unions		25 MoReg 261		
4 CSR 105-3.040	Credit Union Commission		25 MoReg 360		
4 CSR 110-2.001	Missouri Dental Board		25 MoReg 477		
4 CSR 110-2.130	Missouri Dental Board		25 MoReg 478R 25 MoReg 478		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		25 MoReg 261		
4 CSR 150-2.001	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.005	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.065	State Board of Registration for the Healing Arts		25 MoReg 485		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		25 MoReg 261		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 150-2.100	State Board of Registration for the Healing Arts		25 MoReg 486		
4 CSR 150-3.203	State Board of Registration for the Healing Arts		25 MoReg 486		
4 CSR 150-4.051	State Board of Registration for the Healing Arts		25 MoReg 487		
4 CSR 150-4.055	State Board of Registration for the Healing Arts		25 MoReg 487		
4 CSR 150-4.060	State Board of Registration for the Healing Arts		25 MoReg 488		
4 CSR 150-4.105	State Board of Registration for the Healing Arts		25 MoReg 488		
4 CSR 150-4.110	State Board of Registration for the Healing Arts`		25 MoReg 489R 25 MoReg 489		
4 CSR 150-4.115	State Board of Registration for the Healing Arts		25 MoReg 490R 25 MoReg 490		
4 CSR 150-4.120	State Board of Registration for the Healing Arts		25 MoReg 491R 25 MoReg 491		
4 CSR 150-4.125	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.130	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.200	State Board of Registration for the Healing Arts		25 MoReg 496		
4 CSR 150-4.201	State Board of Registration for the Healing Arts		25 MoReg 497		
4 CSR 150-4.203	State Board of Registration for the Healing Arts		25 MoReg 497		
4 CSR 150-4.205	State Board of Registration for the Healing Arts		25 MoReg 498		
4 CSR 150-4.210	State Board of Registration for the Healing Arts		25 MoReg 503		
4 CSR 150-4.215	State Board of Registration for the Healing Arts		25 MoReg 503		
4 CSR 150-6.020	State Board of Registration for the Healing Arts		25 MoReg 507		
4 CSR 150-6.025	State Board of Registration for the Healing Arts		25 MoReg 507		
4 CSR 150-6.030	State Board of Registration for the Healing Arts		25 MoReg 512		
4 CSR 150-6.060	State Board of Registration for the Healing Arts		25 MoReg 512		
4 CSR 150-6.070	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.100	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.120	State Board of Registration for the Healing Arts		25 MoReg 517		
4 CSR 150-7.122	State Board of Registration for the Healing Arts		25 MoReg 518		
4 CSR 150-7.125	State Board of Registration for the Healing Arts		25 MoReg 518		
4 CSR 150-7.140	State Board of Registration for the Healing Arts		25 MoReg 519		
4 CSR 150-7.200	State Board of Registration for the Healing Arts		25 MoReg 521		
4 CSR 150-7.300	State Board of Registration for the Healing Arts		25 MoReg 521		
4 CSR 150-7.310	State Board of Registration for the Healing Arts		25 MoReg 527		
4 CSR 155-1.010	Office of Health Care Providers		25 MoReg 531		
4 CSR 155-1.020	Office of Health Care Providers		25 MoReg 531		
4 CSR 195-5.010	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 230-2.070	Board of Podiatric Medicine		25 MoReg 531		
4 CSR 240-2.010	Public Service Commission		24 MoReg 2318R 24 MoReg 2318	25 MoReg 563R 25 MoReg 563	
4 CSR 240-2.015	Public Service Commission		24 MoReg 2319	25 MoReg 565	
4 CSR 240-2.040	Public Service Commission		24 MoReg 2320R 24 MoReg 2320	25 MoReg 565R 25 MoReg 565	
4 CSR 240-2.050	Public Service Commission		24 MoReg 2320R 24 MoReg 2321	25 MoReg 566R 25 MoReg 566	
4 CSR 240-2.060	Public Service Commission		24 MoReg 2321R 24 MoReg 2321	25 MoReg 567R 25 MoReg 567	
4 CSR 240-2.065	Public Service Commission		24 MoReg 2324R 24 MoReg 2324	25 MoReg 569R 25 MoReg 569	
4 CSR 240-2.070	Public Service Commission		24 MoReg 2325R 24 MoReg 2325	25 MoReg 569R 25 MoReg 570	
4 CSR 240-2.075	Public Service Commission		24 MoReg 2326R 24 MoReg 2326	25 MoReg 570R 25 MoReg 570	
4 CSR 240-2.080	Public Service Commission		24 MoReg 2327R 24 MoReg 2327	25 MoReg 571R 25 MoReg 571	
4 CSR 240-2.085	Public Service Commission		24 MoReg 2328	25 MoReg 573	
4 CSR 240-2.090	Public Service Commission		24 MoReg 2329R 24 MoReg 2329	25 MoReg 574R 25 MoReg 574	
4 CSR 240-2.100	Public Service Commission		24 MoReg 2330R 24 MoReg 2330	25 MoReg 575R 25 MoReg 575	
4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R 24 MoReg 2331	25 MoReg 576R 25 MoReg 576	
4 CSR 240-2.115	Public Service Commission		24 MoReg 2331R 24 MoReg 2332	25 MoReg 577R 25 MoReg 577	
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R 24 MoReg 2332	25 MoReg 577R 25 MoReg 577	
4 CSR 240-2.120	Public Service Commission		24 MoReg 2333R 24 MoReg 2333	25 MoReg 578R 25 MoReg 578	
4 CSR 240-2.125	Public Service Commission		24 MoReg 2333R 24 MoReg 2333	25 MoReg 578R 25 MoReg 578	
4 CSR 240-2.130	Public Service Commission		24 MoReg 2334R 24 MoReg 2334	25 MoReg 579R 25 MoReg 579	
4 CSR 240-2.140	Public Service Commission		24 MoReg 2336R 24 MoReg 2336	25 MoReg 581R 25 MoReg 581	
4 CSR 240-2.150	Public Service Commission		24 MoReg 2336R 24 MoReg 2336	25 MoReg 581R 25 MoReg 581	
4 CSR 240-2.160	Public Service Commission		24 MoReg 2337R 24 MoReg 2337	25 MoReg 581R 25 MoReg 582	
4 CSR 240-2.170	Public Service Commission		24 MoReg 2338R	25 MoReg 582R	
4 CSR 240-2.180	Public Service Commission		24 MoReg 2338R 24 MoReg 2338	25 MoReg 582R 25 MoReg 582	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-2.200	Public Service Commission		24 MoReg 2339R 24 MoReg 2339	25 MoReg 583R 25 MoReg 583	
4 CSR 240-32.110	Public Service Commission		24 MoReg 2341	25 MoReg 584	
4 CSR 240-32.120	Public Service Commission		24 MoReg 2344	25 MoReg 586	
4 CSR 240-33.010	Public Service Commission		24 MoReg 2347R 24 MoReg 2347	This IssueR This Issue	
4 CSR 240-33.020	Public Service Commission		24 MoReg 2347R 24 MoReg 2348	This IssueR This Issue	
4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R 24 MoReg 2351	This IssueR This Issue	
4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R 24 MoReg 2355	This IssueR This Issue	
4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R 24 MoReg 2359	This IssueR This Issue	
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R 24 MoReg 2362	This IssueR This Issue	
4 CSR 240-33.080	Public Service Commission		24 MoReg 2367R 24 MoReg 2367	This IssueR This Issue	
4 CSR 240-33.090	Public Service Commission		24 MoReg 2371R 24 MoReg 2371	This IssueR This Issue	
4 CSR 240-33.100	Public Service Commission		24 MoReg 2371R 24 MoReg 2372	This IssueR This Issue	
4 CSR 240-33.110	Public Service Commission		24 MoReg 2372R 24 MoReg 2372	This IssueR This Issue	
4 CSR 240-33.120	Public Service Commission		24 MoReg 2373	This Issue	
4 CSR 240-33.130	Public Service Commission		24 MoReg 2376	This Issue	
4 CSR 240-33.140	Public Service Commission		24 MoReg 2376	This Issue	
4 CSR 240-33.150	Public Service Commission	24 MoReg 2747T			
4 CSR 250-8.020	Missouri Real Estate Commission		25 MoReg 360		
4 CSR 250-8.070	Missouri Real Estate Commission		25 MoReg 360		
4 CSR 250-8.090	Missouri Real Estate Commission		25 MoReg 361		
4 CSR 250-8.095	Missouri Real Estate Commission		25 MoReg 363R 25 MoReg 363		
4 CSR 250-8.096	Missouri Real Estate Commission		25 MoReg 365		
4 CSR 250-8.097	Missouri Real Estate Commission		25 MoReg 365		
4 CSR 250-8.160	Missouri Real Estate Commission		25 MoReg 366		
4 CSR 250-8.210	Missouri Real Estate Commission		25 MoReg 366		
4 CSR 255-1.040	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.040	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.050	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.060	Missouri Board for Respiratory Care		25 MoReg 263		
4 CSR 255-3.010	Missouri Board for Respiratory Care		25 MoReg 263		
4 CSR 255-4.010	Missouri Board for Respiratory Care		25 MoReg 264		
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety		24 MoReg 2203	25 MoReg 429	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-345.010	Division of School Services		25 MoReg 533		
5 CSR 30-345.020	Division of School Services		24 MoReg 2627	25 MoReg 431	
5 CSR 30-345.030	Division of School Services		24 MoReg 2628	25 MoReg 433	
5 CSR 50-270.050	Division of Instruction		24 MoReg 877		
5 CSR 50-340.010	Division of Instruction		25 MoReg 533R		
5 CSR 80-800.400	Urban and Teacher Education		25 MoReg 533		
5 CSR 90-4.100	Vocational Rehabilitation		25 MoReg 367		
5 CSR 90-4.110	Vocational Rehabilitation		25 MoReg 367		
5 CSR 90-4.120	Vocational Rehabilitation		25 MoReg 368		
5 CSR 90-4.200	Vocational Rehabilitation		25 MoReg 368		
5 CSR 90-4.300	Vocational Rehabilitation		25 MoReg 370		
5 CSR 90-4.400	Vocational Rehabilitation		25 MoReg 370		
5 CSR 90-4.410	Vocational Rehabilitation		25 MoReg 371		
5 CSR 90-4.420	Vocational Rehabilitation		25 MoReg 371		
5 CSR 90-4.430	Vocational Rehabilitation		25 MoReg 374		
5 CSR 90-5.400	Vocational Rehabilitation		25 MoReg 376		
5 CSR 90-5.410	Vocational Rehabilitation		25 MoReg 379		
5 CSR 90-5.420	Vocational Rehabilitation		25 MoReg 379		
5 CSR 90-5.430	Vocational Rehabilitation		25 MoReg 382		
5 CSR 90-5.440	Vocational Rehabilitation		25 MoReg 384		
5 CSR 90-5.450	Vocational Rehabilitation		25 MoReg 387		
5 CSR 90-5.460	Vocational Rehabilitation		25 MoReg 389		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-2.010	Highways and Transportation Commission		24 MoReg 1367R 24 MoReg 1367 24 MoReg 2919R 24 MoReg 2919	24 MoReg 2940R 24 MoReg 2940	
7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765 24 MoReg 2377	25 MoReg 433	
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 766 24 MoReg 2378	25 MoReg 433	
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 767 24 MoReg 2379	25 MoReg 435	
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 768 24 MoReg 2381	25 MoReg 436	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 769 24 MoReg 2381	25 MoReg 437	
7 CSR 10-6.070	Highways and Transportation Commission		24 MoReg 770 24 MoReg 2382	25 MoReg 437	
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 773 24 MoReg 2385	25 MoReg 440	
7 CSR 10-10.010	Highways and Transportation Commission	24 MoReg 2932	24 MoReg 2956		
7 CSR 10-10.040	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.050	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.070	Highways and Transportation Commission	24 MoReg 2934	24 MoReg 2958		
7 CSR 10 14.010	Highways and Transportation Commission		This Issue		
7 CSR 10 14.020	Highways and Transportation Commission	This Issue	This Issue		
7 CSR 10 14.030	Highways and Transportation Commission	This Issue	This Issue		
7 CSR 10 14.040	Highways and Transportation Commission	This Issue	This Issue		
7 CSR 10 14.050	Highways and Transportation Commission		This Issue		
7 CSR 10 14.060	Highways and Transportation Commission		This Issue		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 50-2.030	Workers' Compensation		25 MoReg 536R 25 MoReg 536		
8 CSR 50-4.010	Workers' Compensation		25 MoReg 537R 25 MoReg 538		
8 CSR 60-3.040	Commission on Human Rights	24 MoReg 2565 25 MoReg 144T	24 MoReg 2588	25 MoReg 299W	25 MoReg 598RUC
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-7.010	Director, Department of Mental Health				24 MoReg 2875RUC
9 CSR 10-7.020	Director, Department of Mental Health				24 MoReg 2877RUC
9 CSR 10-7.030	Director, Department of Mental Health				24 MoReg 2879RUC
9 CSR 10-7.040	Director, Department of Mental Health				24 MoReg 2881RUC
9 CSR 10-7.050	Director, Department of Mental Health				24 MoReg 2881RUC
9 CSR 10-7.060	Director, Department of Mental Health				24 MoReg 2883RUC
9 CSR 10-7.070	Director, Department of Mental Health				24 MoReg 2884RUC
9 CSR 10-7.080	Director, Department of Mental Health				24 MoReg 2885RUC
9 CSR 10-7.090	Director, Department of Mental Health				24 MoReg 2886RUC
9 CSR 10-7.100	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.110	Director, Department of Mental Health				24 MoReg 2887RUC
9 CSR 10-7.120	Director, Department of Mental Health				24 MoReg 2890RUC
9 CSR 10-7.130	Director, Department of Mental Health				24 MoReg 2891RUC
9 CSR 25-4.040	Fiscal Management		24 MoReg 2386 This Issue		
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities		24 MoReg 2389 This Issue		
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR					24 MoReg 1693
10 CSR 10-2.010	Air Conservation Commission				24 MoReg 420
10 CSR 10-2.060	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-3.080	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-4.060	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14		
10 CSR 10-5.390	Air Conservation Commission		25 MoReg 264		
10 CSR 10-5.451	Air Conservation Commission		This Issue		
10 CSR 10-5.490	Air Conservation Commission		24 MoReg 2680		
10 CSR 10-6.020	Air Conservation Commission		24 MoReg 2629		
10 CSR 10-6.065	Air Conservation Commission		24 MoReg 2630		
10 CSR 10-6.070	Air Conservation Commission		24 MoReg 2226	25 MoReg 440	
10 CSR 10-6.075	Air Conservation Commission		24 MoReg 2226	25 MoReg 440	
10 CSR 10-6.080	Air Conservation Commission		24 MoReg 2230	25 MoReg 441	
10 CSR 10-6.170	Air Conservation Commission		22 MoReg 2129		
10 CSR 10-6.310	Air Conservation Commission		24 MoReg 2686		
10 CSR 10-6.350	Air Conservation Commission		This Issue		
10 CSR 10-6.400	Air Conservation Commission		25 MoReg 391		
10 CSR 20-3.010	Clean Water Commission		24 MoReg 1225R 24 MoReg 1225	25 MoReg 299R 25 MoReg 299	
10 CSR 20-4.023	Clean Water Commission		24 MoReg 1849	25 MoReg 305	
10 CSR 20-4.030	Clean Water Commission		24 MoReg 1849	25 MoReg 306	
10 CSR 20-4.041	Clean Water Commission		24 MoReg 1850	25 MoReg 307	
10 CSR 20-4.043	Clean Water Commission		24 MoReg 1852	25 MoReg 308	
10 CSR 20-4.061	Clean Water Commission		24 MoReg 1724	25 MoReg 309	
10 CSR 20-7.015	Clean Water Commission		25 MoReg 264		
10 CSR 20-10.012	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.022	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.068	Clean Water Commission		24 MoReg 1057	25 MoReg 311W	
10 CSR 20-10.071	Clean Water Commission		24 MoReg 1058	25 MoReg 312	
10 CSR 20-11.092	Clean Water Commission		24 MoReg 1058	25 MoReg 312	
10 CSR 20-12.010	Clean Water Commission		24 MoReg 1058R	25 MoReg 312R	
10 CSR 20-12.020	Clean Water Commission		24 MoReg 1059R	25 MoReg 312R	

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10 CSR 20-12.025	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
10 CSR 20-12.030	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
10 CSR 20-12.040	Clean Water Commission		24 MoReg 1060R	25 MoReg 313R	
10 CSR 20-12.045	Clean Water Commission		24 MoReg 1060R	25 MoReg 313R	
10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.060	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.061	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.062	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-12.070	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-12.080	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-13.080	Clean Water Commission		24 MoReg 1239R	25 MoReg 314R	
			24 MoReg 1239	25 MoReg 314	
10 CSR 45-1.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		24 MoReg 1258R		
			24 MoReg 1258		
10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-6.020	Metallic Minerals		24 MoReg 2049		
10 CSR 45-6.030	Metallic Minerals		24 MoReg 2050		
10 CSR 60-2.015	Public Drinking Water Program		25 MoReg 147		
10 CSR 60-3.010	Public Drinking Water Program	24 MoReg 2565	24 MoReg 1852	25 MoReg 316	
10 CSR 60-3.020	Public Drinking Water Program	24 MoReg 2567	24 MoReg 1854	25 MoReg 316	
10 CSR 60-3.030	Public Drinking Water Program	24 MoReg 2568	24 MoReg 1863	25 MoReg 317	
10 CSR 60-4.010	Public Drinking Water Program		25 MoReg 148		
10 CSR 60-4.050	Public Drinking Water Program		25 MoReg 152		
10 CSR 60-4.055	Public Drinking Water Program		25 MoReg 156		
10 CSR 60-4.090	Public Drinking Water Program		25 MoReg 161		
10 CSR 60-5.010	Public Drinking Water Program		24 MoReg 1870	25 MoReg 318	
			25 MoReg 539		
10 CSR 60-5.020	Public Drinking Water Program		25 MoReg 176		
10 CSR 60-6.010	Public Drinking Water Program		24 MoReg 1878	25 MoReg 318	
10 CSR 60-6.020	Public Drinking Water Program		24 MoReg 1880	25 MoReg 319	
10 CSR 60-6.030	Public Drinking Water Program		24 MoReg 1886	25 MoReg 319	
10 CSR 60-6.070	Public Drinking Water Program		24 MoReg 1887	25 MoReg 320	
10 CSR 60-7.010	Public Drinking Water Program		25 MoReg 181		
10 CSR 60-8.010	Public Drinking Water Program		25 MoReg 187		
10 CSR 60-8.030	Public Drinking Water Program		24 MoReg 1899	25 MoReg 320	
10 CSR 80-9.040	Solid Waste Management		25 MoReg 191		
10 CSR 80-9.050	Solid Waste Management		25 MoReg 197		
10 CSR 140-2	Division of Energy				24 MoReg 2243
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11 CSR 45-5.010	Missouri Gaming Commission		25 MoReg 268		
11 CSR 45-5.051	Missouri Gaming Commission		25 MoReg 273		
11 CSR 45-9.030	Missouri Gaming Commission		24 MoReg 2765		
11 CSR 45-10.035	Missouri Gaming Commission		25 MoReg 278		
11 CSR 45-10.150	Missouri Gaming Commission	24 MoReg 2936	24 MoReg 2961		
11 CSR 45-13.055	Missouri Gaming Commission	24 MoReg 2124	24 MoReg 2144		
			25 MoReg 278		
11 CSR 45-30.180	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.190	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.210	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.220	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.280	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.370	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 50-2.080	Missouri State Highway Patrol		25 MoReg 554		
11 CSR 50-2.090	Missouri State Highway Patrol		25 MoReg 554		
11 CSR 50-2.100	Missouri State Highway Patrol		25 MoReg 554		
11 CSR 50-2.150	Missouri State Highway Patrol	25 MoReg 475	25 MoReg 554		
11 CSR 50-2.160	Missouri State Highway Patrol	25 MoReg 475	25 MoReg 555		
11 CSR 50-2.290	Missouri State Highway Patrol	25 MoReg 476	25 MoReg 555		
11 CSR 50-2.320	Missouri State Highway Patrol		25 MoReg 556		
11 CSR 50-2.350	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R	This IssueR	
11 CSR 50-2.360	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R	This IssueR	
11 CSR 50-2.370	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R	This IssueR	
11 CSR 50-2.380	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R	This IssueR	
11 CSR 50-2.390	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2771R	This IssueR	
11 CSR 50-2.400	Missouri State Highway Patrol	25 MoReg 253	25 MoReg 282		
11 CSR 50-2.401	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R	This IssueR	
11 CSR 50-2.402	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R	This IssueR	
11 CSR 50-2.403	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2772R	This IssueR	
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11 CSR 50-2.410	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R	This IssueR	
11 CSR 50-2.420	Missouri State Highway Patrol	24 MoReg 2752R	24 MoReg 2774R	This IssueR	
11 CSR 50-2.430	Missouri State Highway Patrol		25 MoReg 556		
11 CSR 50-2.440	Missouri State Highway Patrol		25 MoReg 557		
11 CSR 60-1.070	Division of Highway Safety		25 MoReg 18		
11 CSR 70-2.190	Division of Liquor Control		24 MoReg 2390	25 MoReg 327	
11 CSR 75-2.010	Peace Officer Standards and Training		This Issue		

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11 CSR 75-3.010	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.020	Peace Officer Standards and Training		24 MoReg 2963 This Issue		
11 CSR 75-3.030	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.050	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.060	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.070	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-3.080	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-5.040	Peace Officer Standards and Training		This Issue		
11 CSR 75-10.010	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.020	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.030	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.040	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.050	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.060	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.090	Peace Officer Standards and Training		24 MoReg 2971R		
11 CSR 75-10.100	Peace Officer Standards and Training		24 MoReg 2971		
11 CSR 75-11.035	Peace Officer Standards and Training		This Issue		
11 CSR 75-11.040	Peace Officer Standards and Training	24 MoReg 2937	24 MoReg 2972		
11 CSR 75-11.060	Peace Officer Standards and Training		This Issue		
11 CSR 75-11.070	Peace Officer Standards and Training		This Issue		
11 CSR 80-1.010	Missouri State Water Patrol		25 MoReg 290		
11 CSR 80-2.010	Missouri State Water Patrol		25 MoReg 290		
11 CSR 80-3.010	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-3.020	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-4.010	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-5.010	Missouri State Water Patrol		24 MoReg 2774	This Issue	
11 CSR 80-6.010	Missouri State Water Patrol		25 MoReg 292		
11 CSR 80-7.010	Missouri State Water Patrol		25 MoReg 292		
11 CSR 80-8.010	Missouri State Water Patrol		25 MoReg 292		
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12 CSR	Construction Transient Employers				24 MoReg 2087
12 CSR 10-2.015	Director of Revenue	25 MoReg 5	25 MoReg 18		
12 CSR 10-2.240	Director of Revenue		24 MoReg 2632	25 MoReg 441	
12 CSR 10-3.460	Director of Revenue	25 MoReg 144			
12 CSR 10-5.015	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.020	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.035	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.105	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.520	Director of Revenue		24 MoReg 2974R		
12 CSR 10-11.030	Director of Revenue		24 MoReg 2974R		
12 CSR 10-11.040	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.090	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.190	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.200	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.210	Director of Revenue		24 MoReg 2976R		
12 CSR 10-11.220	Director of Revenue		24 MoReg 2976R		
12 CSR 10-11.230	Director of Revenue		24 MoReg 2976R		
12 CSR 10-23.100	Director of Revenue		25 MoReg 557		
12 CSR 10-23.450	Director of Revenue		24 MoReg 2775		
12 CSR 10-24.050	Director of Revenue		24 MoReg 2976		
12 CSR 10-25.090	Director of Revenue		25 MoReg 392R		
12 CSR 10-26.010	Director of Revenue		24 MoReg 2776		
12 CSR 10-26.020	Director of Revenue		24 MoReg 2779		
12 CSR 10-26.030	Director of Revenue		24 MoReg 2781		
12 CSR 10-26.040	Director of Revenue		24 MoReg 2784		
12 CSR 10-26.050	Director of Revenue		24 MoReg 2787		
12 CSR 10-26.060	Director of Revenue		24 MoReg 2789		
12 CSR 10-26.070	Director of Revenue		24 MoReg 2791		
12 CSR 10-26.080	Director of Revenue		24 MoReg 2793		
12 CSR 10-26.090	Director of Revenue		24 MoReg 2795		
12 CSR 10-26.100	Director of Revenue		24 MoReg 2797		
12 CSR 10-26.110	Director of Revenue		24 MoReg 2799		
12 CSR 10-26.120	Director of Revenue		24 MoReg 2801		
12 CSR 10-26.130	Director of Revenue		24 MoReg 2803		
12 CSR 10-26.140	Director of Revenue		24 MoReg 2805		
12 CSR 10-26.150	Director of Revenue		24 MoReg 2807		
12 CSR 10-26.160	Director of Revenue		24 MoReg 2809		
12 CSR 10-26.170	Director of Revenue		24 MoReg 2811		
12 CSR 10-41.010	Director of Revenue	24 MoReg 2938	24 MoReg 2977		
12 CSR 10-101.500	Director of Revenue		25 MoReg 19		
12 CSR 10-103.200	Director of Revenue		25 MoReg 292		
12 CSR 10-103.610	Director of Revenue		25 MoReg 293		
12 CSR 10-103.360	Director of Revenue		24 MoReg 2977		
12 CSR 10-103.390	Director of Revenue		24 MoReg 2978		
12 CSR 10-103.500	Director of Revenue		24 MoReg 2979		
12 CSR 10-109.050	Director of Revenue		24 MoReg 2980		
12 CSR 10-110.013	Director of Revenue *Changed from 12 CSR 10-111.013*		24 MoReg 2632	25 MoReg 588	
12 CSR 10-110.016	Director of Revenue *Changed from 12 CSR 10-111.016*		24 MoReg 2634	25 MoReg 441	
12 CSR 10-110.900	Director of Revenue		25 MoReg 20		
12 CSR 10-110.910	Director of Revenue		25 MoReg 294		

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12 CSR 10-110.920	Director of Revenue		25 MoReg 295		
12 CSR 10-111.010	Director of Revenue		24 MoReg 2392	25 MoReg 327	
12 CSR 10-111.013	Director of Revenue *Changed to 12 CSR 10-110.013*		24 MoReg 2632	25 MoReg 558	
12 CSR 10-111.016	Director of Revenue *Changed to 12 CSR 10-110.016*		24 MoReg 2634	25 MoReg 441	
12 CSR 10-111.060	Director of Revenue		25 MoReg 23		
12 CSR 10-112.300	Director of Revenue		24 MoReg 2981		
12 CSR 30-1.030	State Tax Commission		24 MoReg 2695		
12 CSR 30-2.017	State Tax Commission		24 MoReg 2696		
12 CSR 30-2.018	State Tax Commission		24 MoReg 2702		
12 CSR 30-4.010	State Tax Commission		25 MoReg 296		
12 CSR 40-40.090	State Lottery		25 MoReg 392		
12 CSR 40-60.020	State Lottery		25 MoReg 393		
12 CSR 60-1.010	Motor Vehicle Commission		24 MoReg 2702R	25 MoReg 558R	
12 CSR 60-1.020	Motor Vehicle Commission		24 MoReg 2702R	25 MoReg 558R	
12 CSR 60-1.030	Motor Vehicle Commission		24 MoReg 2702R	25 MoReg 589R	
12 CSR 60-1.040	Motor Vehicle Commission		24 MoReg 2703R	25 MoReg 589R	
12 CSR 60-1.050	Motor Vehicle Commission		24 MoReg 2703R	25 MoReg 589R	
12 CSR 60-1.060	Motor Vehicle Commission		24 MoReg 2703R	25 MoReg 589R	
12 CSR 60-2.010	Motor Vehicle Commission		24 MoReg 2704R	25 MoReg 589R	
12 CSR 60-2.020	Motor Vehicle Commission		24 MoReg 2704R	25 MoReg 589R	
12 CSR 60-2.030	Motor Vehicle Commission		24 MoReg 2704R	25 MoReg 590R	
12 CSR 60-2.040	Motor Vehicle Commission		24 MoReg 2704R	25 MoReg 590R	
12 CSR 60-2.050	Motor Vehicle Commission		24 MoReg 2705R	25 MoReg 590R	
12 CSR 60-2.060	Motor Vehicle Commission		24 MoReg 2705R	25 MoReg 590R	
12 CSR 60-2.070	Motor Vehicle Commission		24 MoReg 2705R	25 MoReg 590R	
12 CSR 60-2.080	Motor Vehicle Commission		24 MoReg 2705R	25 MoReg 590R	
12 CSR 60-2.090	Motor Vehicle Commission		24 MoReg 2706R	25 MoReg 591R	
12 CSR 60-2.100	Motor Vehicle Commission		24 MoReg 2706R	25 MoReg 591R	
12 CSR 60-2.110	Motor Vehicle Commission		24 MoReg 2706R	25 MoReg 591R	
12 CSR 60-2.120	Motor Vehicle Commission		24 MoReg 2706R	25 MoReg 591R	
12 CSR 60-2.130	Motor Vehicle Commission		24 MoReg 2707R	25 MoReg 591R	
12 CSR 60-2.140	Motor Vehicle Commission		24 MoReg 2707R	25 MoReg 591R	
12 CSR 60-2.150	Motor Vehicle Commission		24 MoReg 2707R	25 MoReg 592R	
12 CSR 60-2.160	Motor Vehicle Commission		24 MoReg 2708R	25 MoReg 592R	
12 CSR 60-2.170	Motor Vehicle Commission		24 MoReg 2708R	25 MoReg 592R	
12 CSR 60-3.010	Motor Vehicle Commission		24 MoReg 2708R	25 MoReg 592R	
12 CSR 60-4.010	Motor Vehicle Commission		24 MoReg 2708R	25 MoReg 592R	
12 CSR 60-4.020	Motor Vehicle Commission		24 MoReg 2709R	25 MoReg 592R	
12 CSR 60-4.030	Motor Vehicle Commission		24 MoReg 2709R	25 MoReg 593R	
12 CSR 60-4.040	Motor Vehicle Commission		24 MoReg 2709R	25 MoReg 593R	
12 CSR 60-4.050	Motor Vehicle Commission		24 MoReg 2710R	25 MoReg 593R	
12 CSR 60-4.060	Motor Vehicle Commission		24 MoReg 2710R	25 MoReg 593R	
12 CSR 60-4.070	Motor Vehicle Commission		24 MoReg 2710R	25 MoReg 593R	
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12 CSR 60-5.010	Motor Vehicle Commission		24 MoReg 2711R	25 MoReg 594R	
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13 CSR 15-4.050	Division of Aging		This Issue		
13 CSR 15-14.042	Division of Aging		This Issue		
13 CSR 30-9.010	Child Support Enforcement		This Issue		
13 CSR 40-2.300	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.305	Division of Family Services	23 MoReg 2133T			
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13 CSR 40-2.315	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.320	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.325	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.330	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.335	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.340	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.345	Division of Family Services	23 MoReg 2134T			
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13 CSR 40-2.360	Division of Family Services	23 MoReg 2135T			
13 CSR 40-2.365	Division of Family Services	23 MoReg 2135T			
13 CSR 40-2.370	Division of Family Services	23 MoReg 2135T			
13 CSR 40-19.020	Division of Family Services	24 MoReg 2270	24 MoReg 2394	25 MoReg 594	
13 CSR 40-80.010	Division of Family Services		24 MoReg 2395	25 MoReg 594	
13 CSR 70-3.020	Medical Services		24 MoReg 1742		
13 CSR 70-3.030	Medical Services		24 MoReg 1743		
13 CSR 70-3.130	Medical Services		24 MoReg 1747		
13 CSR 70-4.080	Medical Services		24 MoReg 2396 24 MoReg 2398		
13 CSR 70-4.090	Medical Services	24 MoReg 2569 24 MoReg 2675T	24 MoReg 2399	25 MoReg 441	
13 CSR 70-10.015(13)	Medical Services	24 MoReg 2572	24 MoReg 2401	25 MoReg 328	
13 CSR 70-10.080	Medical Services	24 MoReg 2574	24 MoReg 2404	25 MoReg 328	
13 CSR 70-10.110	Medical Services	24 MoReg 2575	24 MoReg 2406	25 MoReg 328	
13 CSR 70-15.010	Medical Services	24 MoReg 2938	24 MoReg 2408 25 MoReg 204	25 MoReg 594	
13 CSR 70-15.110	Medical Services	24 MoReg 1026	24 MoReg 2411	25 MoReg 444	

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13 CSR 73-2.015	Board of Nursing Home Administrators	24 MoReg 2752	24 MoReg 2813	This Issue	
13 CSR 73-2.020	Board of Nursing Home Administrators	24 MoReg 2753	24 MoReg 2816	This Issue	
13 CSR 73-2.070	Board of Nursing Home Administrators	24 MoReg 2753	24 MoReg 2819	This Issue	
13 CSR 110-1.010	Division of Youth Services		This Issue		
13 CSR 110-2.010	Division of Youth Services		This Issue		
13 CSR 110-2.020	Division of Youth Services		This Issue		
13 CSR 110-2.030	Division of Youth Services		This Issue		
13 CSR 110-2.040	Division of Youth Services		This Issue		
13 CSR 110-2.050	Division of Youth Services		This Issue		
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13 CSR 110-2.090	Division of Youth Services		This IssueR		
13 CSR 110-2.100	Division of Youth Services		This Issue		
13 CSR 110-2.110	Division of Youth Services		This Issue		
13 CSR 110-2.120	Division of Youth Services		This Issue		
13 CSR 110-2.130	Division of Youth Services		This Issue		
13 CSR 110-2.140	Division of Youth Services		This Issue		
13 CSR 110-2.150	Division of Youth Services		This Issue		
13 CSR 110-3.010	Division of Youth Services		This Issue		
13 CSR 110-3.015	Division of Youth Services		This Issue		
13 CSR 110-3.020	Division of Youth Services		This Issue		
13 CSR 110-3.030	Division of Youth Services		This Issue		
13 CSR 110-3.040	Division of Youth Services		This Issue		
13 CSR 110-3.050	Division of Youth Services		This Issue		
13 CSR 110-3.060	Division of Youth Services		This Issue		
13 CSR 110-5.010	Division of Youth Services		This Issue		
13 CSR 110-6.010	Division of Youth Services		This Issue		
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15 CSR 60-11.010	Attorney General		24 MoReg 1103		
15 CSR 60-11.020	Attorney General		24 MoReg 1104		
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16 CSR 10-4.014	Public School Retirement System		24 MoReg 2822	This Issue	
16 CSR 10-6.020	Public School Retirement System		25 MoReg 24		
16 CSR 10-6.045	Public School Retirement System		24 MoReg 2822	This Issue	
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17 CSR 10-2.010	Kansas City Board of Police Commissioners		25 MoReg 393R 25 MoReg 393		
17 CSR 10-2.020	Kansas City Board of Police Commissioners		25 MoReg 400R 25 MoReg 400		
17 CSR 10-2.030	Kansas City Board of Police Commissioners		25 MoReg 404R 25 MoReg 404		
17 CSR 10-2.040	Kansas City Board of Police Commissioners		25 MoReg 405R 25 MoReg 405		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		25 MoReg 413R 25 MoReg 413		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		25 MoReg 418R 25 MoReg 418		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		25 MoReg 423R 25 MoReg 423		
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19 CSR 10-5.010	Office of the Director		25 MoReg 24		
19 CSR 40-3.010	Maternal, Child and Family Health		This Issue		
19 CSR 40-13.010	Maternal, Child and Family Health		24 MoReg 515		
19 CSR 40-13.020	Maternal, Child and Family Health		24 MoReg 526		
19 CSR 40-13.030	Maternal, Child and Family Health		24 MoReg 527		
19 CSR 60-50	Missouri Health Facilities Review				24 MoReg 2243 24 MoReg 2721
19 CSR 60-50.300	Missouri Health Facilities Review		24 MoReg 2822 25 MoReg 206	25 MoReg 222W	
19 CSR 60-50.310	Missouri Health Facilities Review		24 MoReg 2823		
19 CSR 60-50.420	Missouri Health Facilities Review				25 MoReg 116 25 MoReg 329 25 MoReg 447
19 CSR 60-50.470	Missouri Health Facilities Review		24 MoReg 2825 25 MoReg 207	This Issue	
19 CSR 60-50.700	Missouri Health Facilities Review		24 MoReg 2825	This Issue	
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20 CSR	Medical Malpractice				23 MoReg 514 24 MoReg 682 25 MoReg 597
	Sovereign Immunity Limits				This Issue
20 CSR 500-7.200	Property and Casualty		24 MoReg 1587		

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22 CSR 10-2.040	Indemnity Plan Summary of Medical Benefits	June 28, 2000
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